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Security Council

Distr.
GENERAL

S/1999/983
16 September 1999

ORIGINAL: ENGLISH

LETTER DATED 10 SEPTEMBER 1999 FROM THE SECRETARY-GENERAL
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that Chinmaya R. Gharekhan will relinquish his post as my Special Representative to the multilateral talks on Middle East peace and United Nations Special Coordinator in the Occupied Territories as at 30 September 1999.

I wish to inform the Security Council of my intention to appoint Mr. Terje Roed-Larsen of Norway as the United Nations Special Coordinator for the Middle East Peace Process and my Personal Representative to the Palestine Liberation Organization and the Palestinian Authority as at 1 October 1999. Mr. Roed-Larsen served as the first United Nations Special Coordinator in the Occupied Territories from June 1994 to October 1996.

The functions assigned to the new United Nations Special Coordinator take into account recent encouraging developments in the Middle East peace process, in particular the resumption of Israeli-Palestinian negotiations and the prospects for renewed talks in other bilateral tracks. In the Middle East, as elsewhere, socio-economic development is an essential underpinning of peace. The new Special Coordinator will be charged with making appropriate preparations within the United Nations for enhancing United Nations development assistance in support of the peace process.

The new Special Coordinator will represent me in discussions with the parties and the international community in all matters related to continuing United Nations support to the peace process. I believe that a United Nations focal point on the ground will enable the United Nations to respond more effectively to requests for assistance, drawing on the expertise and advice of the entire United Nations family. This will help to ensure that United Nations support to the peace process is fully integrated and coordinated. The new post will encompass the present functions and responsibilities of the Special Coordinator, which will continue unchanged. The base of operations will remain in Gaza.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-26666 (E) 160999

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/984
16 September 1999

ORIGINAL: ENGLISH

LETTER DATED 16 SEPTEMBER 1999 FROM THE PRESIDENT OF THE SECURITY COUNCIL TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 10 September 1999 (S/1999/983) concerning your intention to appoint Mr. Terje Roed-Larsen (Norway) as United Nations Special Coordinator for the Middle East Peace Process and your Personal Representative to the Palestine Liberation Organization and the Palestinian Authority has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(Signed) Peter van WALSUM
President of the Security Council

99-26701 (E) 160999

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Security Council

Distr.
GENERAL

S/1999/985
17 September 1999

ORIGINAL: ENGLISH

LETTER DATED 13 SEPTEMBER 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the United Nations Mission of Observers in Tajikistan and to my letter of 16 June 1999 informing you of the departure of Jan Kubis as my Special Representative for Tajikistan.

Following the usual consultations, I wish to inform the Security Council of my intention to appoint Ivo Petrov of Bulgaria to the above-mentioned position.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-26734 (E) 170999

UNITED
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Security Council

Distr.
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S/1999/986
17 September 1999

ORIGINAL: ENGLISH

LETTER DATED 17 SEPTEMBER 1999 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 13 September 1999 (S/1999/985) concerning your intention to appoint Ivo Petrov of Bulgaria as your Special Representative for Tajikistan has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(Signed) Peter van WALSUM
President of the Security Council

99-26740 (E) 170999

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S/1999/987
16 September 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO

I. INTRODUCTION

1. In my report to the Security Council of 12 July 1999 (S/1999/779), I gave an overview of the scope of the challenges facing the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Mission's plan to undertake its mandated task and objectives. The current report is issued pursuant to paragraph 20 of resolution 1244 (1999) of 10 June 1999, which requested me to report to the Council at regular intervals on the implementation of the resolution, and covers developments in Kosovo, Federal Republic of Yugoslavia, since my report of 12 July 1999.

II. OVERVIEW

2. Since its deployment, UNMIK has made significant progress. It has established structures at various levels that allow the people of Kosovo to provide expertise and to share responsibility and accountability for the development and future of the province. Foremost amongst these structures is the Kosovo Transitional Council (KTC), which meets on a weekly basis under the leadership of my Special Representative. This body brings together all major political parties and ethnic groups. Its establishment has given Kosovo residents an opportunity to have a direct input into the UNMIK decision-making process and to achieve consensus on a broad range of issues related to civil administration, institution-building and essential services, thereby creating a climate where participation in democratic processes is the norm.

3. The establishment of the Kosovo Transitional Council is an initial step towards the creation of a framework of wider and more inclusive democratic structures covering all aspects of life in Kosovo. To broaden the inclusive nature of the Council and to give it greater responsibility for the administration of Kosovo, my Special Representative has proposed the creation within it of four directorates covering housing, health, education and public utilities. The directorates would be chaired by two co-directors, one of whom would be an UNMIK representative, with the other drawn from the local community. The local director would be selected based upon criteria such as experience, technical expertise and ethnic and political balance. These directorates will

have the merit of involving the people of Kosovo in decision-making on these important issues.

4. The level and nature of violence in Kosovo, especially against vulnerable minorities, remains a major concern. Measures taken to address this problem are having a positive effect, but continued vigilance is necessary. KFOR deserves great credit for its efforts to provide a secure environment under extremely difficult conditions. The deployment of over 1,100 United Nations civilian police has also had an important effect. In addition, in response to the efforts of my Special Representative, senior Kosovo Albanian personalities, including the leadership of the Kosovo Liberation Army (KLA), have voiced increasingly forthright public positions on tolerance and security for minorities. Senior KLA figures have denied KLA involvement in attacks and called for non-Albanians to remain in Kosovo and repeatedly affirmed their commitment to human rights, tolerance and diversity. However, although these statements are a positive step, they seem, so far, to have had little effect in preventing attacks against minorities, the cessation of which would encourage Serbs and others to remain in Kosovo.

5. Hardening Serb attitudes towards Kosovo Albanians, driven in part by outside extremists, are helping to radicalize Albanians in Mitrovica. Tensions also continue in Orahovac where local Albanian residents are blocking the deployment of KFOR troops.

6. Around 4,000 of the 10,000 registered KLA combatants remain in assembly areas awaiting demilitarization, which KFOR expects to be completed by 19 September 1999. To be effective, arrangements for demilitarization must provide a future for former combatants, most of whom have a deep apprehension about their future. Opportunities to join the new police, fire and civil services, as well as registration of KLA members for civilian employment by the International Office of Migration (IOM), are useful but are not sufficient to absorb the bulk of KLA manpower. At the very least, unemployed and resentful former soldiers are a potential source of instability as the international community attempts to build a stable political system in Kosovo. In light of the foregoing, KFOR, in close consultation with my Special Representative, is developing a concept for demobilization of the KLA, offering individual members an opportunity to participate in a disciplined, professional, multi-ethnic civilian emergency corps. In accordance with its mandate, KFOR will provide day-to-day direction of the corps. The UNMIK civil administration component will continue to maintain responsibility for overall civil emergency management.

7. Significant problems have resulted from the as yet unresolved questions related to property rights. These are reinforcing ethnic divisions and complicating the process of return. As I noted in my report of 12 July 1999 (S/1999/779, para. 78), UNMIK, with the support of other international organizations and agencies, intends to establish a standard registry of property claims; redress legal measures on property taken in recent years that in anyway discriminate against any ethnic group; and rebuild the property and cadastral records. A mechanism will also be established to review property disputes.

III. HUMANITARIAN SITUATION

8. UNMIK, with the Office of the United Nations High Commissioner for Refugees (UNHCR) as the lead agency, is cooperating closely with the main United Nations humanitarian agencies - the World Food Programme (WFP), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) - as well as IOM, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross Societies (IFRC). Strong links have also been established with the many non-governmental organizations and bilateral donors that have established a presence in Kosovo.

9. As of 4 September 1999, more than 770,000 refugees had returned to Kosovo through a combination of spontaneous and UNHCR-assisted movements. Awaiting return are an estimated 44,400 persons in neighbouring regions and countries, 37,000 evacuees in third countries and an unknown number of asylum-seekers. There is no accurate figure for the number of internally displaced persons, although it is estimated to be as high as 500,000.

10. In the period since mid-June 1999, non-Albanian groups, primarily Serbs and Roma, have been targets for harassment, intimidation and attacks. As a result, many have left Kosovo. According to the Yugoslav Red Cross, approximately 150,000 displaced persons have registered for assistance in Serbia and Montenegro since mid-June 1999. Freedom of movement for those who remain is extremely limited and, in some cases, virtually non-existent. In effect, non-Albanians are restricted from making use of public facilities such as hospitals or visiting shops and markets. UNHCR, humanitarian non-government organizations and KFOR have distributed assistance, including medical assistance, to these individuals in their homes or villages. As a last resort, UNHCR has been assisting people in urgent, life-threatening situations to leave Kosovo, as well as assisting transfers of vulnerable groups for purposes of family reunification. Efforts are, however, being made to create acceptable conditions for the return of those who have left temporarily.

11. Housing surveys have been conducted in more than 90 per cent of the war-affected villages. An estimated 50,000 houses are beyond repair and another 50,000 have sustained damage of up to 50 per cent, but are repairable. One of the most urgent tasks to be completed before winter is the temporary rehabilitation of the 50,000 repairable houses. UNHCR's emergency rehabilitation programme is designed to provide at least one warm and dry room for the duration of winter until more sustainable reconstruction can take place in spring. In excess of 55,000 shelter kits are being provided by UNHCR and international agencies; heating stoves will also be provided. These measures are being complemented by the provision of prefabricated shelters and direct repairs, as well as cash subsidies to enable residents to purchase supplies locally that can be used to improve the quality of weather-proofing or to winterize an additional room. Concurrent with housing rehabilitation are measures to restore public utilities, which remain precarious.

12. Should all these measures be fully implemented, the vast majority of the population would be housed, albeit temporarily, during the winter months. The occupants of the 50,000 houses that are beyond repair will, however, require alternative accommodation. Most are already living with host families and it is

expected that they will stay with them throughout the winter. These host families are provided with support and additional programmes are under consideration. However, the enormous difficulties with winterization make it highly unlikely that all measures will be in place by the start of the cold season. A number of contingency measures are being developed in case additional capacity is needed, including the identification of temporary community shelters and distribution of 15,000 heated, all-season tents that can accommodate about 90,000 people.

13. One priority area of concern is targeted assistance for women and children. UNHCR, UNICEF and international and local non-government organizations are implementing a series of projects under a "Kosovo Women's Initiative". Activities include psychosocial and community support, including counselling and skills development programmes; special health-care services to promote the needs of women and children; and, micro-finance and income-generation projects. IFRC, complemented by IOM, is working with Kosovo's Red Cross structure to support activities aimed at longer-term rehabilitation of health services, agriculture, village water systems, hospital training and psychosocial support. WHO is closely involved in the rehabilitation of the health sector.

14. The UNMIK Mine Action Coordination Centre is the focal point for the coordination of mine action activities in Kosovo. Under an integrated mine action programme, developed in close cooperation with various partners, including United Nations agencies, KFOR, ICRC, non-governmental organizations and commercial companies, 1.1 million square metres of land have been demined or cleared of unexploded ordnance. It is estimated that it will take more than two years to completely clear Kosovo of mines. Clearance priorities continue to target shelter reconstruction, the restoration of essential services and infrastructure, the rehabilitation of key installations and mined areas that pose an immediate humanitarian problem. Sixteen mine clearance organizations have been funded by various donors to undertake mine clearance tasks. Complementing mine action activities include mine-awareness programmes undertaken by 12 organizations at the provincial and community levels. Additionally, a mine victim surveillance programme is under way to identify victim assistance and rehabilitation requirements, as well as to determine clearance priorities.

IV. CIVIL ADMINISTRATION

15. UNMIK faces two simultaneous challenges: preparing for an interim administration and taking emergency measures to restore essential services. The orderly arrangements necessary for a credible interim administration, including consistency with international standards of efficiency, accountability and transparency, will take time to design, fund and implement. To fill critical administrative and economic gaps in the short term, UNMIK must, therefore, design and implement emergency measures in virtually every sector.

16. These emergency measures, as well as the establishment of more permanent ones, are being implemented by civil administration teams of international staff with professional expertise in a range of public administration functions. These staff are deployed in Pristina, the five regions of Kosovo and in 18 of

the province's 29 municipalities. The other 11 municipalities are covered through visits by designated civil administration officers from the regions or from larger municipalities in their vicinity. Activities are closely coordinated with KFOR.

A. Provision of public services

17. The civil administration component of UNMIK, working in close cooperation with KFOR, and acting largely through joint civilian commissions, has achieved considerable progress in the re-establishment of public services and utilities. The main post and telecommunications office and five sub-offices in Pristina have been reopened. The rubbish collection and disposal system has also been restored in the city and efforts are under way to revive services in the five regions. The United Nations trust fund for small-scale "quick impact" projects that will help the people of Kosovo return to normal life is operational and has already disbursed more than US$ 900,000. Following the restoration of the electricity power lines with the former Yugoslav Republic of Macedonia and Albania, the electricity system in Kosovo is currently capable of meeting two-thirds of the expected winter demand. Work is continuing, under the supervision of an international company, to ensure that the electricity system can meet full demand. Encouraging progress has been made in the reintegration of workers in the Kosovo Railway Enterprise where 350 Serbs have rejoined the workforce, among them, 120 individuals who have returned from Serbia. This represents the first time that Serbs who had left Kosovo have returned to their homes and jobs. Work is also continuing to revive the social welfare system.

18. To ensure the continuation of public services and to provide a minimum living standard for public employees, UNMIK is in the process of paying stipends to health workers, fire-fighters, judges, customs officers and education workers. Payments of stipends will be extended to all other categories of public employees. This is a temporary measure pending the development of a public service pay mechanism.

19. With European Union (EU) assistance, UNMIK has established, on an emergency basis, a customs system in Kosovo. Customs and excise duties as well as sales tax and exemptions have been established by a regulation issued by my Special Representative (all regulations issued to date by my Special Representative are attached in the annex to this report). All exports are exempt from customs duties. On 3 September 1999, customs duties collection began at the Djeneral Jankovic international border crossing with Kosovo and the former Yugoslav Republic of Macedonia. Customs operations at the other four international border crossings will begin in the coming weeks. To facilitate the customs operation, Kosovo importers and exporters have been registered and preparations are under way for the registration of commercial companies by the end of September 1999.

20. The personal identification documents of many Kosovo residents that were destroyed or lost in the conflict must be replaced, not least in order to establish a pre-electoral census. To respond to a growing request by the population, and to contribute to the battle against criminality and trafficking, the civil administration component should begin issuing temporary identification

cards to residents by 30 October 1999, with the hope of completing the process by mid-2000. To facilitate this process, every effort will be made to draw on existing data banks, including the information compiled by WFP on nearly 1,300,000 Kosovo Albanians and UNHCR's refugee registration system.

21. Under UNMIK coordination, more than 400 schools, only two of which are ethnically mixed, reopened for over 100,000 children on 1 September 1999. A key UNMIK goal is to enable the completion of the 1998-1999 academic year, which was disrupted by the conflict, and to prepare for the coming school year. At the tertiary level, UNMIK will ensure that all staff and students of both the Serb and Albanian educational systems have access to all faculties to prepare for and conduct examinations. Currently, minority students and staff, including Serbs, have been denied access to some educational facilities.

22. To support the resumption of schooling, 263 schools are currently under repair and most will become functional in October 1999. UNMIK is also obtaining printing paper for textbooks, school furniture and supplies and winterized tents for sites where school buildings have been completely destroyed. KFOR and UNMIK have made the necessary arrangements to provide security to staff and students at all educational institutions.

B. Establishment of multi-ethnic governmental structures

23. Four joint civilian commissions, under UNMIK's leadership or co-leadership, are currently operating in the health, education, energy and public utilities and post and telecommunications sectors. Two of the commissions are multi-ethnic, but no Kosovo Serbs have yet agreed to join the other two. Following my Special Representative's decision to begin establishing directorates for some aspects of public administration (see para. 3 above), it is intended that the health and education commissions will be replaced by such directorates, which will exercise executive powers under the authority of my Special Representative.

24. By the first week in September, civil administration officers were chairing or supervising the work of the senior municipal bodies in 9 of Kosovo's 29 municipalities. In all nine municipalities, the municipal body advises the UNMIK administrator on municipal administration matters. In some cases, the municipal body also carries out management and technical functions. All of Kosovo's municipalities are functioning to varying degrees and by the end of the month all will be under direct civil administration supervision.

C. Police

25. As stated in my report of 12 July 1999 (S/1999/779), the Mission's international police component will consist of three separate elements: civilian police, special units and border police.

26. UNMIK's civilian police has expanded its presence in Kosovo, concentrating resources first on the city of Pristina and its surrounding region, where approximately one third of the crimes reported in Kosovo occur. UNMIK civilian

police will extend law enforcement operations to each of the four other regions in turn with preparations for operations in the Prizren region already under way. In Pristina, UNMIK police have taken over authority for police investigations for the city and are conducting the full range of police activities in the city's four main police districts. Patrolling and protection is now expanding to the entire Pristina region. Three police sub-stations, operating on a 24-hour basis, have been set up in high crime areas to address, in particular, the ongoing pattern of violence directed against the Serb and Roma population. Joint patrols are undertaken with KFOR, which has deployed an additional 200 soldiers for patrolling duties in the city.

27. UNMIK police are also operating a small police detention facility in Pristina. This is the only civilian detention facility in Kosovo and it serves the short-term demands of UNMIK pending the re-establishment of full correctional functions. The urgent need to increase the capacity of detention and corrections facilities is presently a high priority, and will depend upon timely financial and logistical support from contributing Governments. An appropriate detention facility has already been identified at Istok and emergency repairs have ensured that it can receive up to 170 prisoners. Further repairs and refurbishment are, however, required. It is anticipated that this facility will be partially functional by the end of September 1999. UNMIK civilian police will provide, on an emergency basis, staffing to maintain security at the prison. It is, however, imperative that international prison officers be urgently provided to take on this role.

28. Eighty-two UNMIK police officers have been deployed at the major border crossings with Albania and the former Yugoslav Republic of Macedonia. Officers assigned to UNMIK's Border Police division are currently conducting vehicle checks, as well as control of passports and other personal documents. Joint border patrols with KFOR are being carried out and UNMIK is conducting further surveys to identify border security priorities. Effective border control will be crucial to preventing smuggling and reducing organized crime activities in Kosovo. It is becoming evident that a greater number of border police than initially envisaged will be required to perform these tasks and my Special Representative has recommended an increase in the number of officers from 205 to 364.

29. In addition to 169 unarmed International Police Task Force (IPTF) monitors temporarily transferred from the United Nations Mission in Bosnia and Herzegovina (UNMIBH), UNMIK has deployed over 1,100 civilian police officers from 25 nations. Most of the remaining UNMIK civilian police should be deployed by 15 October 1999. However, even at full deployment, the ratio of police to inhabitants will remain well below the norm of that in other countries. It is clear, therefore, that more international police are needed until sufficient numbers of newly trained Kosovo Police Service officers are available. My Special Representative estimates that a significant increase in the number of civilian police officers may be required. The exact additional requirements are still being determined. Additional human rights and legal advisers are also urgently required within the UNMIK police structure. As regards the Special Police Units, intensive efforts are continuing to ensure their early deployment so that they may provide support for UNMIK civilian police. I hope that Member States will urgently provide the necessary personnel for this task.

30. Development of the future Kosovo Police Service, which will operate under the authority and control of the UNMIK Police Commissioner, is proceeding rapidly through close cooperation between the UNMIK civil administration and the institution-building component led by the Organization for Security and Cooperation in Europe (OSCE). The latter component is responsible for establishing and managing the Kosovo Police Service training school in Vucitrn, which inducted the first multi-ethnic class of 200 cadets on 7 September 1999. These first 200 cadets were selected from more than 19,500 applicants, 400 of whom were short-listed, interviewed and vetted by UNMIK civilian police and the training school personnel. The recruitment and selection process was fully transparent and extensive consultation with concerned groups and parties was undertaken by the Police Commissioner prior to the final class selection. Unfortunately, despite various confidence-building measures undertaken by UNMIK, Serb cadets remain concerned about their security. Candidates who successfully complete the training school will be deployed for field training under the control of UNMIK civilian police officers starting in mid-October.

D. Judicial affairs

31. In my previous report, I outlined the organization of the Judicial Affairs Office, including its four areas of responsibility - two in operational areas and two in policy development. The latter two deal with the development of legal policies and the review and drafting of legislation. In view of the interrelationship of these functions with those of the legal adviser to my Special Representative, it has been decided to incorporate these functions within the legal adviser's office. Consequently, the Judicial Affairs Office will focus on operational issues, including the administration of courts, prosecution services and prisons.

32. UNMIK, in consultation with a Joint Advisory Council, has appointed 36 judges and 12 prosecutors on a provisional basis. The majority are Kosovo Albanian, but Serbs, Muslims, Roma and Turks are also represented. Of the seven Serb judges appointed, two have left Kosovo. An Advisory Judicial Commission has been created with the task of recommending suitable candidates for appointment on a permanent basis as judges and prosecutors. A Technical Advisory Commission has also been established to advise UNMIK on the structure and administration of the judiciary and prosecution services and to make recommendations for the establishment of the Supreme Court of Kosovo. Pending the establishment of the Supreme Court, an ad hoc court of appeal will serve as a higher court.

33. A review, conducted by legal experts from the Council of Europe, is under way on four major bodies of law applicable in Kosovo, including the criminal codes, the criminal procedure code and the laws on internal affairs and public peace and order. The review, which will be completed by October 1999, will make recommendations to bring the laws in line with international human rights standards and regulations, resolution 1244 (1999) and UNMIK regulations. Kosovo legal professionals will also participate in the review.

V. INSTITUTION-BUILDING

34. The Organization for Security and Cooperation in Europe (OSCE) is in the lead in respect of the institution-building tasks of UNMIK described below.

A. Media affairs

35. A new public broadcasting service, known as Radio-Television Kosovo, is being developed by the institution-building component. In the interim, Radio Pristina is operating under international supervision and has been broadcasting programmes since 28 June 1999 in the Albanian, Serbian and Turkish languages. A legal framework is currently under preparation for its operations removing it from direct political control. Once this framework is in place, Radio-Television Kosovo will operate under its own management.

B. Democratization

36. To encourage the development of political parties and to provide support for their activities, political party support centres are being established. These centres will provide telephone, facsimile and computer support, on a shared basis, to all Kosovo political parties. The first five facilities will open in September, with five more to follow in October. In addition, the development of local non-governmental organizations is supported through the coordination of training assistance so that local organizations can improve their project development skills and publicize their activities in a more effective manner. Assistance will also be provided to other representative bodies in Kosovo.

C. Human rights

37. Human rights monitors, working closely with the humanitarian component and the Office of the United Nations High Commissioner for Human Rights (UNHCHR), are active throughout Kosovo. In several instances, monitors have intervened with the KLA to secure the release of abducted Serbs in Gnjilane and Orahovac. In addition to human rights monitoring, a human rights training unit has been set up to provide training to local human rights organizations. Programmes in monitoring, investigating and reporting on human rights issues and intervention will be conducted. The unit will also coordinate with the Council of Europe and international and local non-government organizations in training local human rights defenders in international standards and mechanisms. Work is also continuing on the establishment of an ombudsman's office. At least 2,000 persons are believed to be missing from or within Kosovo. A focal point for issues related to missing persons has also been established within the institution-building component and works closely with ICRC and the International Commission on Missing Persons. The issue of missing persons is a highly sensitive and important problem for the people of Kosovo and it is being addressed by the Kosovo Transitional Council, which has established a subcommission for this purpose.

D. Judicial issues

38. The institution-building component provides support to the operations of the judicial system. An emergency judicial system was initiated on 30 June 1999 with the opening of the District Court in Pristina. Other courts have been established in Prizren, Pec, Gnijlane and Mitrovica. To supplement these, two mobile courts are in operation, which have, since 2 July 1999, reviewed 248 cases involving 552 persons. The institution-building component is also involved in the selection of judges and prosecutors and has, so far, interviewed 526 individuals, of whom 48 have been selected.

VI. ECONOMIC RECONSTRUCTION

39. With the European Union (EU)in the lead for the rehabilitation and reconstruction tasks of UNMIK, economic activity in Kosovo has restarted rapidly, even if only partially, in areas such as retail trade, agriculture and basic services. This is, however, insufficient to overcome the effects of conflict and years of neglect and under-investment. As a result, domestic output remains limited and there is the continuing prospect of serious economic hardship for many, which will be compounded by the effects of the coming winter. To encourage external investment, transparent procedures, structures and licensing arrangements, which will also help to undermine organized crime in Kosovo, are being developed.

40. The first priority in economic reconstruction is the resumption of basic public utilities. This has been largely achieved; the most urgent repairs are under way and financing for power sector operations through the winter has been secured. Despite this, the power, water and heating sectors remain highly precarious. Another high priority, the restoration of telecommunications, will require several months to show results.

41. UNMIK has put into place the first of the basic institutions and legal frameworks needed for a normally functioning economy. An economic policy board has been established, co-chaired by the Deputy Special Representative for Reconstruction and an eminent Kosovo economist, and including a broad range of local economic expertise.

42. In the areas of payments and banking, a regulation permitting unrestricted use of foreign currencies in transactions, alongside the Yugoslav dinar, was issued. Work is well advanced in designing a modern payments system and a private banking sector that will both be conducive to economic development and tightly regulated to protect its depositors. The establishment of the basic legal framework for this will be done by regulations approved by my Special Representative, taking into account the recommendations of the economic policy board. This is expected to be completed shortly. Thereafter, the envisaged measures are designed to make the greatest possible use of existing infrastructure and skills so as to be operational as soon as possible. A basic payments system should be operational shortly and banking activity should begin well before the end of the year.

43. A major milestone in public finance was the establishment of a customs administration and the initiation, in early September 1999, of revenue collection. UNMIK is also developing a Central Fiscal Agency (CFA) that will prepare and implement a provisional Kosovo budget. This exercise is under way in collaboration with the civil administration. It will establish a systematic means of setting spending priorities and matching expenditure to local and donor resources. The Central Fiscal Agency will act to assure international donors that requests for additional funding are based on a solid assessment of requirements and that funds will be allocated through a fully transparent budgetary procedure. Currently, Kosovo's public revenue base consists only of customs and excise duties and sales taxes on imported goods. The introduction of further simple taxes is foreseen for next year in order to ensure that the Kosovo public sector is self-sustaining as soon as possible.

44. UNMIK is developing priorities for reconstruction and an investment framework. The priority areas are housing, infrastructure, agriculture and reviving industry. For the revival of industry, there are two main themes. First, the modernization and reconstruction of existing industry, which will require capital and extensive training. Second, the promotion of new industry, especially small and medium-sized firms, which will require both technical assistance and micro-credit facilities.

VII. OBSERVATIONS

45. UNMIK has made important strides over the past 12 weeks. Today's Kosovo bears little resemblance to that of mid-June 1999; most refugees are home, the informal economy is thriving and efforts are under way to restore law and order as well as security throughout the province. However, Kosovo's future is not yet secured and there remains a threat that these gains might be reversed if UNMIK is unable to address three pressing challenges in the coming weeks and months.

46. First, is the establishment and cementing of the rule of law and the authority of UNMIK. This is essential for the retention of a multi-ethnic Kosovo and for the creation of conditions necessary for those who have left Kosovo to return. The international community must make it clear to extremists that it cannot and will not tolerate ethnically motivated murders and violence. It must also make it clear to the Kosovo political leadership that they must make far greater efforts to restrain and redirect the emotions unleashed by the conflict. The international community must also redouble its own efforts to provide a secure environment, especially for Kosovo's vulnerable minorities. Towards this end, an increase in the UNMIK civilian police strength, rapid deployment of international civilian police officers and the development of the Kosovo Police Service are essential. In the longer term, it will be important to ensure the development of the Service as a pluralistic, multi-ethnic and depoliticized body that enjoys the confidence of all in Kosovo. This will require continuing international involvement through both formal and informal training and support. Equal attention must be paid to the judiciary and the penal system. All bodies must conform to internationally accepted human rights standards in order to enjoy both the confidence and respect of the people of Kosovo.

47. The second pressing priority is the provision of temporary winterized accommodation for the almost 350,000 people in need. Most at risk are those who live in rural or high altitude communities. Most of the damaged and destroyed houses cannot be permanently repaired before winter, nor is it within the scope or capacity of humanitarian agencies to do this work. The emergency rehabilitation programme is thus aimed at ensuring that all residents have at least temporary housing until next spring. Attention must also be directed towards the rehabilitation of public utilities. As winter approaches, Kosovo has only two thirds of its winter electricity requirements and, despite repairs, the electricity system remains fragile. International support is vital. In addition, early planning for longer-term reconstruction and development will be crucial to ensure a smooth transition from the current emergency relief phase. It is essential that humanitarian activities be closely coordinated with those devoted to reconstruction.

48. Third, to ensure the future stability of Kosovo, it is important that the international community ensure the demobilization of the KLA and other armed elements. Sufficient funds and resources should be provided to enable former combatants to find opportunities for employment. Without such support, there is a real threat that former fighters may become an obstacle to the implementation of resolution 1244 (1999) by refusing to disarm or by engaging in criminal activities. Either situation would have negative consequences for the international community's efforts to build a secure, multi-ethnic and democratic society in Kosovo.

49. In addition to the increased security and political measures taken by the international community, it is the establishment of the Kosovo Transitional Council and the active involvement, on a consultative basis, of political and local leaders in the executive functions of UNMIK that is expected to provide the most important confidence-building mechanism in the medium term for the improvement of the overall situation in Kosovo. I strongly encourage all ethnic communities to participate constructively in this body, as the only path to a future political settlement in Kosovo lies in cooperation with UNMIK and adherence to the provisions of resolution 1244 (1999).

50. The support given by the international community to UNMIK has underpinned the Mission's progress. If the gains made are not to be eroded, the international community must continue to offer consistent and long-term political, material and financial support to the Mission. Of critical importance to the Mission's success will be the provision of voluntary contributions to fund the salaries of local public servants and other public activities pending receipt of sufficient monies within the Kosovo budget. I urgently appeal to all Member States to contribute generously to the United Nations trust fund set up for this purpose.

Annex

Regulations issued by the Special Representative of the Secretary-General as at 16 September 1999

UNITED NATIONS
United Nations Interim
Administration Mission
in Kosovo

NATIONS UNIES
Mission d'Administration
Intérimaire des Nations Unies
au Kosovo

UNMIK

UNMIK/REG/1999/1
25 July 1999

REGULATION NO. 1999/1

ON THE AUTHORITY OF THE INTERIM ADMINISTRATION IN KOSOVO

The Special Representative of the Secretary-General,

Recalling resolution 1244 (1999) of 10 June 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), in order to provide an interim administration in Kosovo with the mandate as described in the resolution;

Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of establishing and maintaining the interim administration in the territory of Kosovo,

Hereby promulgates the following

Section 1
Authority of the interim administration

1 All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General

2 The Special Representative of the Secretary-General may appoint any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations issued by UNMIK

Section 2
Observance of internationally recognized standards

In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards and shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status

Section 3
Applicable law in Kosovo

The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with the standards referred to in section 2, the fulfilment of the mandate given to UNMIK under United Nations Security Council resolution 1244 (1999), or the present or any other regulation issued by UNMIK

Section 4
Regulations issued by UNMIK

In the performance of the duties entrusted to the interim administration under United Nations Security Council resolution 1244 (1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999)

Section 5
Entry into force and promulgation of regulations issued by UNMIK

5.1 UNMIK regulations shall be approved and signed by the Special Representative of the Secretary-General. They shall enter into force upon the date specified therein

5.2 UNMIK regulations shall be issued in Albanian, Serbian and English. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication

5.3 UNMIK regulations shall bear the symbol UNMIK/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of promulgation, the subject matter and amendments or changes thereto or the repeal or suspension thereof

Section 6
State property

UNMIK shall administer movable or immovable property, including monies, bank accounts, and other property of, or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any of its organs, which is in the territory of Kosovo

Section 7
Entry into force

The present regulation shall be deemed to have entered into force as of 10 June 1999, the date of adoption by the United Nations Security Council of resolution 1244 (1999)

Dr Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/2
12 August 1999

REGULATION NO. 1999/2

ON THE PREVENTION OF ACCESS BY INDIVIDUALS AND THEIR REMOVAL TO SECURE PUBLIC PEACE AND ORDER

The Special Representative of the Secretary-General,

Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of maintaining public peace and order in the territory of Kosovo;

Hereby promulgates the following:

Section 1
Temporary Removal and Prevention of Access

1.1. The relevant law enforcement authorities may temporarily remove a person from a location, or prevent access by a person to a location, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to prevent a threat to public peace and order.

1.2. A threat to public peace and order may be posed by any act that jeopardizes:

(a) the rule of law;
(b) the human rights of individuals;
(c) public and private property;
(d) the unimpeded functioning of public institutions

1.3. The relevant law enforcement authorities may temporarily remove a person from a location, or prevent access by a person to a location, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to prevent interference with the carrying out of the duties of the fire department, the delivery of first aid, or any other emergency activity.

Section 2
Temporary Detention

2.1. The relevant law enforcement authorities may temporarily detain a person, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to remove a person from a location, or to prevent access by a person to a location in accordance with section 1 of the present regulation.

2.2. The detention may last only so long as necessary to carry out the actions specified in section 1 of the present regulation and in any case no longer than 12 hours.

Section 3
Entry into Force

The present regulation shall enter into force on 12 August 1999.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/3
31 August 1999

REGULATION NO. 1999/3

ON THE ESTABLISHMENT OF THE CUSTOMS AND OTHER RELATED SERVICES IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of establishing customs and other related services at the inland customs houses and international borders of Kosovo,

Hereby promulgates the following:

Section 1
Customs and Excise Duties and Sales Tax

1.1 All goods of any type destined exclusively for Kosovo are subject to a customs rate equal to ten percent (10%), for a transitional period, with the exception of the goods listed in Annex I, for which the custom rate equals zero percent.

1.2 All goods listed in Annex II, which are imported and destined exclusively for Kosovo, are subject to excise duties, as indicated in that Annex. Such excise duties shall, for administrative reasons, be collected at the border posts.

1.3 As a temporary measure, a sales tax shall be levied at a rate of fifteen percent (15%) on the taxable value of all imported goods destined exclusively for Kosovo, with the exception of those listed in Annex III. Such taxable value shall be calculated in accordance with Section 1.4 below.

1.4 For the purpose of calculating the sales tax, the value of all imported goods will consist of the total customs value, including customs and excise duties.

1.5 The list of goods as well as the corresponding customs and excise duties, and sales taxes, as specified in Annexes I, II, and III, shall be subject to periodic review.

Section 2
Restrictions

Quantitative restrictions on imports are hereby suspended until further notice.

Section 3
Allocation of Revenues

The revenues derived from customs and excise duties and sales taxes on goods destined for Kosovo will be allocated to the Kosovo budget.

Section 4
Administrative arrangements

4.1 This Regulation shall be implemented under the overall authority and supervision of UNMIK by customs officials, police and security forces and any other authority designated by the Special Representative of the Secretary-General.

4.2 The Special Representative of the Secretary-General may invite customs officials who have hitherto held office in the customs service in Kosovo to continue in office.

4.3 UNMIK shall receive and review individual applications from persons with the requisite qualifications to hold office in the customs service.

4.4 Appointments to the customs service in Kosovo shall be made by the Special Representative of the Secretary-General.

4.5 In exercising their functions customs officials shall observe the internationally recognized standards set out in Section 2 of UNMIK Regulation No. 1999/1 of 25 July 1999

Section 5
Scope

The Special Representative of the Secretary-General shall specify from time to time the border posts and inland customs houses where customs control and final clearance shall be exercised.

Section 6
Implementation

The Special Representative of the Secretary-General shall have the power to give administrative directions and orders in relation to the implementation of this Regulation.

Section 7
Applicable Law

The provisions of the applicable laws relating to customs and excise duties and sales tax shall apply in Kosovo subject to Sections 1, 2, 3, 4, 5, and 6 above.

Section 8
Entry into Force

This Regulation shall enter into force on 1 September 1999.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/4
2 September 1999

REGULATION NO. 1999/4

ON THE CURRENCY PERMITTED TO BE USED IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating the use of currencies in Kosovo,

Hereby promulgates the following:

Section 1
Freedom of Contract

Parties to a contract or any other voluntary transaction may denominate such transaction in any currency agreed upon by the parties. Unless proven otherwise, such an agreement shall be deemed to exist with regard to any foreign currency that is widely accepted in the territory of Kosovo.

Section 2
Removal of Restrictions

2.1 Any restriction, under the laws applicable in the territory of Kosovo prior to 24 March 1999, including any applicable foreign exchange controls, on the possession, use, or disposition of any currency, whether in specie or in a bank or any other type of account, whether situated inside or outside the territory of Kosovo, is hereby removed.

2.2 In this Section, "restrictions" include those punishable under Articles 114 - 119 or otherwise provided for or indicated in any other provision of the Law on Foreign Currency Operations, Official Gazette of the Federal Republic of Yugoslavia 12/95, 28/96, 29/97, 35/97.

Section 3
Budgets, Financial Records and Accounts

The budgets, financial records and accounts of all physical and legal persons, including private enterprises, public bodies, agencies or institutions and UNMIK shall be made in a currency or currencies designated in accordance with an administrative direction promulgated by the Special Representative of the Secretary-General pursuant to Section 5.

Section 4
Compulsory Payments

4.1 Compulsory payments may be assessed and required to be paid in a currency or currencies, as designated in the administrative direction referred to in Section 3 above.

4.2 A person wishing to pay in Dinars a compulsory payment that is required under Section 4.1 to be paid in another currency, may do so at the reference exchange rate applicable on the day of payment but shall be charged an additional administrative fee to cover handling and transaction costs.

4.3 In this Section:

i "Compulsory payment" means any payment, other than under a contract or any other voluntary transaction, made to a public authority and includes the payment of taxes, customs and excise duties, levies, fees, charges and penalties, as well as any payment to public utilities or pursuant to a court order;

ii "Dinar" means the official currency of the Federal Republic of Yugoslavia issued by the National Bank of Yugoslavia under the Law of the National Bank of Yugoslavia, Official Journal of the Federal Republic of Yugoslavia Nos. 32/93, 35/93, 41/94, 61/95, 28/96, and 29/97, effective as of 3 July 1993, and in its current version as of 5 July 1997; and

iii "Reference exchange rate" means the exchange rate between the Dinar and the designated currency quoted from time to time on the basis of market conditions.

Section 5
Implementation

The Special Representative of the Secretary-General shall have the power to give administrative directions and orders in relation to the implementation of this Regulation.

Section 6
Applicable Law

Article 49 of the Law of the National Bank of Yugoslavia, Articles 8-10 of the Regulation on the New Dinar, Official Journal of the Federal Republic of Yugoslavia Nos. 6/94, 12/94 and 57/94, and any other limitation or restriction on the use of a foreign currency as a money of either account or payment under the laws applicable in the territory of Kosovo prior to 24 March 1999 shall cease to apply in Kosovo insofar as it conflicts with any provision of this Regulation.

Section 7
Entry into Force

This Regulation shall enter into force on 2 September 1999.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/5
4 September 1999

REGULATION NO. 1999/5

ON THE ESTABLISHMENT OF AN AD HOC COURT OF FINAL APPEAL AND AN AD HOC OFFICE OF THE PUBLIC PROSECUTOR

The Special Representative of the Secretary General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of enhancing the administration of justice in Kosovo pending a more thorough review,

Hereby promulgates the following

Section 1

Court of Final Appeal

1.1 There shall be established, ad hoc, a Court of final appeal, which shall have the powers of the Supreme Court which exercised jurisdiction in Kosovo, as regards appeals against decisions of District Courts in the sphere of criminal law and also as regards detention terms.

1.2. The Court shall be composed of five judges including the President of the Court. The Special Representative of the Secretary General shall appoint the judges, including the President, following consultations with the Joint Advisory Council on Provisional Judicial Appointments. Additional judges also may be appointed if required, following the same procedure.

Section 2

Public Prosecutor's Office

A Chief Public Prosecutor and a deputy Public Prosecutor shall be appointed, ad hoc, to discharge the duties prescribed by law for the Public Prosecutor's Office in Kosovo. They shall be appointed by the Special Representative of the Secretary General following consultations with the Joint Advisory Council on Provisional Judicial Appointments.

Section 3

Criteria for selection and appointment of the judges and the Prosecutor

The candidates selected for appointment as judges of the Court and as Prosecutors shall satisfy the following criteria:

a) have served for at least twelve years as a judge or Public Prosecutor;

b) be of high moral character, impartiality and integrity;

c) not have a criminal record;

d) not have participated in discriminatory measures or applied any repressive law or have implemented any dictatorial policies;

e) not be registered with any political party or otherwise engaged in political activity;

Section 4

Appointment and term of office

4.1 Upon appointment, each judge shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

" I swear (or solemnly declare) that I will perform my duties and exercise my powers as a judge of the ad hoc Court of Final Appeal honourably, faithfully, impartially and conscientiously."

4.2. Upon appointment, each Prosecutor shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

" I swear (or solemnly declare) that I will perform my duties and exercise my powers as a Prosecutor honourably, faithfully, impartially and conscientiously."

4.3. The Special Representative of the Secretary-General may remove a judge or the Prosecutor from office on any of the following grounds:

a) failure to meet the criteria specified in section 3 of the present regulation;

b) physical or mental incapacity which is likely to be permanent or prolonged ;

c) serious misconduct;

d) failure in the due execution of office; or

e) having been placed, by personal conduct or otherwise in a position incompatible with the due execution of office.

4.4. If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a judge or a Prosecutor has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the judge or Prosecutor of the charge and consider his or her response before taking any action other than temporary suspension of the judge or Prosecutor pending resolution of the charge. The Special Representative of the Secretary-General after consultation with the Joint Advisory Council on Provisional Judicial Appointments may remove the judge or Prosecutor from office if he considers that the charge is established

Section 5

Procedure

Depending on the nature of the issue to be considered, the Court shall sit in a panel of three judges or five judges.

Section 6

Term of office

The Court shall function and the Prosecutors shall exercise their respective duties until the Supreme Court of Kosovo is re-established.

Section 7

Honorarium and facilities

7.1. The honorarium to be paid to the judges and to the Prosecutors shall be determined by the Special Representative of the Secretary-General.

7.2. The facilities required for the functioning of the Court and of the Prosecutor's office shall be provided by the Special Representative of the Secretary-General.

Section 8

Applicable law

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges of the Court and of Prosecutors which is inconsistent with it.

Section 9

Final provision

This regulation shall enter into force on 4 September 1999.

B. Kouchner

Bernard Kouchner

Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/6
7 September 1999

REGULATION NO. 1999/6

ON RECOMMENDATIONS FOR THE STRUCTURE AND ADMINISTRATION OF THE JUDICIARY AND PROSECUTION SERVICE

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of enhancing the administration of justice in Kosovo,

Hereby promulgates the following:

Section 1
The Technical Advisory Commission on Judiciary and Prosecution Service

The Technical Advisory Commission on Judiciary and Prosecution Service (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on the structure and administration of the judiciary and the prosecution service in Kosovo.

Section 2
Composition

The Commission shall be composed of ten local and five international members, chosen for their integrity, professional skills and experience. The Commission's composition shall also adequately reflect knowledge of the structure and working hitherto of the judiciary and the prosecution service.

Section 3
Appointment

The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the criteria specified in section 2 above, after appropriate consultations.

Section 4
Rules of procedure

The Commission shall adopt its rules of procedure.

Section 5
Terms of reference

5.1 The Commission shall:

a) in the light of the existing conditions, assess the present and long term requirements of Kosovo as regards the number, levels and categories of judicial bodies;

b) advise on the early re-establishment of the Supreme Court for Kosovo after appropriate joint consultations with the Advisory Judicial Commission and the Special Joint Advisory Council on Legislative Matters;

c) assess the present and long term requirements of Kosovo for the prosecution service.

5.2 The Commission shall submit its report and recommendations, with the reasons therefor, to the Special Representative of the Secretary-General and shall use its best efforts to submit the report within thirty days after its constitution.

Section 6
Honorarium and facilities

6.1 The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

6.2 The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

Section 7
Final provision

This regulation shall enter into force on 7 September 1999

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Interimaire des Nations Unies au Kosovo

UNMIK/REG/1999/7
7 September 1999

REGULATION NO. 1999/7

ON APPOINTMENT AND REMOVAL FROM OFFICE OF JUDGES AND PROSECUTORS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of establishing an independent and multi-ethnic judiciary in Kosovo,

Hereby promulgates the following

Section 1
The Advisory Judicial Commission

1.1 The Advisory Judicial Commission (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on matters related to the appointment of judges and prosecutors as required, as well as on complaints, if any, against any judge or prosecutor. Upon request from the Special Representative of the Secretary-General, the Commission may tender advice on other issues related to the judicial system.

1.2 The Commission shall be independent in the exercise of its functions.

/...

Section 2
Composition

2.1 The Commission shall be composed of eight local and three international experts. The composition of the Commission shall be multi-ethnic and reflect varied legal expertise. Both local and international members of the Commission shall be distinguished legal professionals meeting the highest standards of efficiency, competence and integrity. They shall be independent and impartial. They shall not hold public office or any other position incompatible with their functions as members of the Commission.

2.2 The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the above principles after appropriate consultations.

Section 3
Appointment and term of office

3.1 Upon appointment, each member of the Commission shall subscribe to a solemn oath or declaration before the Special Representative of the Secretary-General. The form of the oath or declaration shall be as follows:

"I solemnly declare and promise to discharge the functions entrusted to me by UNMIK regulation 1999/7 of 7 September 1999 strictly according to its terms and not to seek or accept instructions in regard to the performance of these duties from any source other than the Special Representative of the Secretary-General."

3.2 If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a member of the Commission has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the member of the charge and consider the member's response before taking any action other than temporary suspension of the member pending resolution of the charge. The Special Representative of the Secretary-General may remove the member from office if he considers that the charge is established.

3.3 The term of office of the members of the Commission shall be one year. This term may be renewed.

Section 4
Procedural issues

4.1 The Commission shall adopt its rules of procedure.

4.2 The Commission may as necessary form committees for the efficient discharge of its duties.

4.3 The Commission shall convene meetings as required or upon request by the Special Representative of the Secretary-General.

Section 5
Functions and objectives

5.1 The Commission shall invite, by public announcement, applications of legal professionals in Kosovo for service as judges or prosecutors. It shall review the individual applications and make its recommendation in writing to the Special Representative of the Secretary-General on candidates indicating the reasons therefor.

5.2 In reviewing individual applications, the Commission members shall be guided by UNMIK's goal to establish a professional, independent, impartial and multi-ethnic judiciary and prosecution service.

Section 6
Criteria for selection of candidates

6.1 Applicants for service as judges or prosecutors shall satisfy the following criteria:

a) have a university degree in law;

b) have passed the examination for candidates for the judiciary, or, in the case of applicants for the position of a judge in the Minor Offences Court, have passed the professional examination;

c) be of high moral integrity;

d) not have a criminal record;

e) not have participated in discriminatory measures, or applied any repressive law or have implemented dictatorial policies;

f) not be registered with any political party or otherwise engage in political activity.

6.2 Except in the case of positions in the Minor Offences Court, applicants should have relevant work experience in the field of law, i.e. three years for the position of a Municipal Court judge (or prosecutor) or of a judge of Minor Offences Appeals body, seven years for the position of a District Court judge (or prosecutor) and four years for the position of a Commercial Court judge.

Section 7
Appointment and removal from office of judges and prosecutors

7.1 The Special Representative of the Secretary-General shall appoint judges and prosecutors taking into account the recommendation of the Commission under section 5.1 above.

7.2 A judge or prosecutor shall not hold any other public or administrative office or engage in any occupation of a professional nature, whether remunerative or not, or otherwise engage in any activity incompatible with his or her functions.

7.3 A complaint regarding a judge shall be referred to the Special Representative of the Secretary-General, who shall consult the Commission. After investigating the complaint, the Commission shall make an appropriate recommendation to the Special Representative of the Secretary-General, bearing in mind that no judge may be removed from office except on the ground of:

a) physical or mental incapacity which is likely to be permanent or prolonged;

b) serious misconduct;

c) failure in the due execution of office; or

d) having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

7.4 The above procedure shall also be followed mutatis mutandis in the case of a complaint against a prosecutor.

7.5 The Special Representative of the Secretary-General may remove from office a judge or prosecutor after taking into account the recommendation of the Commission under section 7.3 or 7.4 above.

Section 8
Emoluments and facilities

8.1 The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

8.2 The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

Section 9
Applicable law

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges and prosecutors which is inconsistent with it.

Section 10
Final and transitional provisions

10.1 This regulation shall enter into force on 7 September 1999

10.2 UNMIK emergency decrees 1999/1, 1999/2 are hereby repealed. However, judges, prosecutors and other judicial personnel provisionally appointed pursuant to these decrees shall continue to hold office until their respective terms expire.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/54/356
S/1999/988
17 September 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-fourth session
Item 10 of the provisional agenda*
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Fifty-fourth year

Letter dated 17 September 1999 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to forward to you herewith the text of the joint statement of the high-level participants in the International Conference on the theme "Baltic and Black Sea Cooperation: To the Integrated Europe of the 21st Century Without Dividing Lines", held in Yalta, Ukraine, on 10 and 11 September 1999, on the initiative of the President of Ukraine, H.E. Mr. Leonid Kuchma. The delegations of countries participating in the Conference were led by the Heads of State of Armenia, Azerbaijan, Bulgaria, Estonia, Finland, Georgia, Hungary, Latvia, Lithuania, the Republic of Moldova, Poland, Romania, Slovakia and Ukraine, the First Deputy Head of Government of the Russian Federation, the Vice Prime-Minister of the Czech Republic, the Ministers for Foreign Affairs of Greece and Turkey, and high officials of Denmark, Germany, Norway and Sweden. The Conference was also attended by high-level representatives of the Organization for Security and Cooperation in Europe, the Council of Europe, the North Atlantic Treaty Organization, the Black Sea Economic Cooperation organization, the Council of the Baltic Sea States, and the Commonwealth of Independent States.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council and of the fifty-fourth session of the General Assembly, under item 10 of the provisional agenda, entitled "Report of the Secretary-General on the work of the Organization", that item being chosen

* A/54/150.

on the understanding that the above joint statement is pertinent to many different matters currently under consideration by the General Assembly.

(Signed) Volodymyr YEL'CHENKO
Ambassador
Permanent Representative

Annex

Joint Statement by the High-level Participants in the International Conference on the theme "Baltic and Black Sea Cooperation: To the Integrated Europe of the 21st Century Without Dividing Lines", Yalta, 10 and 11 September 1999

The High-level Participants of participating countries have met on 10 and 11 September in Yalta at the International Conference on the theme "Baltic and Black Sea Cooperation: To the Integrated Europe of the 21st Century Without Dividing Lines". The Conference, held on the initiative of President Leonid Kuchma, takes place in the spirit of the Vilnius 1997 Conference, "Coexistence of Nations and Good Neighbourly Relations: the Guarantee of Security and Stability in Europe".

The High-level Participants:

Mindful of the historic need to build a prosperous and united Europe of the twenty-first century without dividing lines;

Emphasizing that cooperation in political, economic, environmental, humanitarian and security fields contributes to the common goal of a secure, stable and prosperous Baltic and Black Sea space as an integral part of an undivided Europe;

Confirming that the promotion of good neighbourly relations based on international law is essential for the achievement of this goal;

Reaffirming their commitment to the principles of the Charter of the United Nations, the norms and principles of the Organization for Security and Cooperation in Europe, the rule of law and all other universally recognized principles and values;

Reaffirming the inherent right of all States to choose the means to ensure their own security;

Reaffirming that the promotion and implementation of democratic principles, economic liberty and social justice, as well as the respect of human rights, rest among the most important values in building a new Europe of the twenty-first century;

Declare their desire and interest:

In promoting beneficial cooperation among the countries of the Baltic and Black Sea space on a bilateral as well as regional basis, and in contributing to the future European security architecture free of dividing lines;

In undertaking joint efforts for the resolution and prevention of conflicts and the protection of peace, security and stability in the Baltic and Black Sea space;

In contributing to the implementation of the Stability Pact for South-Eastern Europe;

In developing economic cooperation through joint projects in the fields of energy, transport, communications, ecology and other spheres;

In deepening cooperation in the humanitarian field as a way of ensuring democratic traditions and coherence in the processes of all-European integration;

In combating new threats to stability and security, such as terrorism, illegal migration, illegal drugs and arms trafficking;

In cooperating with each other with a view to strengthening the potential of their countries to participate in European and evolving Euro-Atlantic structures.

The High-level Participants expressed their shared view that, in the twenty-first century, the countries of the Baltic and Black Sea space by their potential should play an important role in the development and consolidation of democracy, rule of law, economic prosperity and stability on the European continent without dividing lines.

They express their willingness to maintain high-level political dialogue among all countries of the Baltic and Black Sea space in the spirit of the 1997 Vilnius and 1999 Yalta conferences.

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GENERAL ASSEMBLY
Fifty-fourth session
Item 10 of the provisional agenda**
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Fifty-fourth year

Letter dated 17 September 1999 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to forward to you herewith the text of the Joint Statement of the High Participants in the International Conference on the theme "Baltic and Black Sea Cooperation: To the Integrated Europe of the 21st Century Without Dividing Lines", held in Yalta, Ukraine, on 10 and 11 September 1999, on the initiative of the President of Ukraine, H.E. Mr. Leonid Kuchma. The delegations of countries participating in the Conference were led by the Heads of State of Armenia, Azerbaijan, Bulgaria, Estonia, Finland, Georgia, Hungary, Latvia, Lithuania, the Republic of Moldova, Poland, Romania, Slovakia and Ukraine, the First Deputy Head of Government of the Russian Federation, the Vice Prime-Minister of the Czech Republic, the Ministers for Foreign Affairs of Greece and Turkey, and high officials of Denmark, Germany, Norway and Sweden. The Conference was also attended by high representatives of the Organization for Security and Cooperation in Europe, the Council of Europe, the North Atlantic Treaty Organization, the Black Sea Economic Cooperation organization, the Council of the Baltic Sea States, and the Commonwealth of Independent States.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council and of the fifty-fourth session of the General Assembly, under item 10 of the provisional agenda, entitled "Report of the Secretary-General on the work of the Organization", that item being chosen

* Reissued for technical reasons.

** A/54/150.

on the understanding that the above joint statement is pertinent to many different matters currently under consideration by the General Assembly.

(Signed) Volodymyr YEL'CHENKO
Ambassador
Permanent Representative

Annex

Joint Statement by the High Participants in the International Conference on the theme "Baltic and Black Sea Cooperation: To the Integrated Europe of the 21st Century Without Dividing Lines", Yalta, 10 and 11 September 1999

The High Participants of participating countries have met on 10 and 11 September in Yalta at the International Conference on the theme "Baltic and Black Sea Cooperation: To the Integrated Europe of the 21st Century Without Dividing Lines". The Conference, held on the initiative of President Leonid Kuchma, takes place in the spirit of the Vilnius 1997 Conference, "Coexistence of Nations and Good Neighbourly Relations: the Guarantee of Security and Stability in Europe".

The High Participants:

Mindful of the historic need to build a prosperous and united Europe of the twenty-first century without dividing lines;

Emphasizing that cooperation in political, economic, environmental, humanitarian and security fields contributes to the common goal of a secure, stable and prosperous Baltic and Black Sea space as an integral part of an undivided Europe;

Confirming that the promotion of good neighbourly relations based on international law is essential for the achievement of this goal;

Reaffirming their commitment to the principles of the Charter of the United Nations, the norms and principles of the Organization for Security and Cooperation in Europe, the rule of law and all other universally recognized principles and values;

Reaffirming the inherent right of all States to choose the means to ensure their own security;

Reaffirming that the promotion and implementation of democratic principles, economic liberty and social justice, as well as the respect of human rights, rest among the most important values in building a new Europe of the twenty-first century;

Declare their desire and interest:

In promoting beneficial cooperation among the countries of the Baltic and Black Sea space on a bilateral as well as regional basis, and in contributing to the future European security architecture free of dividing lines;

In undertaking joint efforts for the resolution and prevention of conflicts and the protection of peace, security and stability in the Baltic and Black Sea space;

In contributing to the implementation of the Stability Pact for South-Eastern Europe;

In developing economic cooperation through joint projects in the fields of energy, transport, communications, ecology and other spheres;

In deepening cooperation in the humanitarian field as a way of ensuring democratic traditions and coherence in the processes of all-European integration;

In combating new threats to stability and security, such as terrorism, illegal migration, illegal drugs and arms trafficking;

In cooperating with each other with a view to strengthening the potential of their countries to participate in European and evolving Euro-Atlantic structures.

The High Participants expressed their shared view that, in the twenty-first century, the countries of the Baltic and Black Sea space by their potential should play an important role in the development and consolidation of democracy, rule of law, economic prosperity and stability on the European continent without dividing lines.

They express their willingness to maintain high-level political dialogue among all countries of the Baltic and Black Sea space in the spirit of the 1997 Vilnius and 1999 Yalta conferences.

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 20 of Security Council resolution 1247 (1999) of 18 June 1999. It summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my report of 11 June 1999 (S/1999/670) and provides an overview of the activities of the United Nations system in Bosnia and Herzegovina during the same period.

2. UNMIBH is led by my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Jacques Paul Klein (United States of America), who succeeded Elisabeth Rehn (Finland) on 2 August. The Mission's International Police Task Force (IPTF) continues to be led by Commissioner Detlef Buwitt (Germany). I take this opportunity to thank Elisabeth Rehn for her outstanding leadership and commitment to both the United Nations and the people of Bosnia and Herzegovina during her 18 months of service.

3. IPTF continues to have an authorized strength of 2,057. However, owing to redeployment to the United Nations Interim Administration Mission in Kosovo (UNMIK) and rotations of officers, the current strength of IPTF is 1,691 (see annex).

II. CONTRIBUTION OF THE UNITED NATIONS TO PEACE IMPLEMENTATION

4. The work of UNMIBH and of the United Nations as a whole remains a vital component of international efforts to establish lasting peace in Bosnia and Herzegovina. United Nations activities are directed towards establishing the rule of law through police restructuring and judicial monitoring, as well as towards building good governance and civil society, promoting economic and social recovery, addressing humanitarian needs and creating an environment conducive to the return of refugees and displaced persons.

5. The return of normal security conditions in Bosnia and Herzegovina following the Kosovo crisis has enabled progress in the implementation of the UNMIBH mandate. As of mid-September, UNMIBH had resumed activities in all parts of the Republika Srpska.

A. Establishing the rule of law

6. The role of UNMIBH is to support the establishment of the rule of law by, inter alia, monitoring, auditing and providing advice on the restructuring and reform of local police forces, improving police performance in the area of human rights and assessing the functioning of the judicial system and contributing to overall judicial reform efforts coordinated by the Office of the High Representative.

Police restructuring

7. Police restructuring involves reducing the number of excess police and ensuring that the rationalized police forces are representative of the ethnic composition of the community they serve and that they work within legitimate, transparent, accountable and professional organizational structures.

8. The 1996 Bonn-Petersberg Agreement for the Federation and the 1998 Framework Agreement on Police Restructuring for the Republika Srpska have set the desired ethnic composition as well as the limit for the total number of police in Bosnia and Herzegovina (11,500 for the Federation and 8,500 for the Republika Srpska). While the present strength of the police forces is far below the figure of approximately 40,000 for the country as a whole in 1996, the current number in each entity remains unclear owing to a continuing lack of transparency in police structures.

Minority recruitment

9. In the Republika Srpska, minority recruitment outside Brcko began in earnest, after considerable delay, when the Republika Srpska police academy was provisionally opened in July of this year. The academy commenced its first course with 66 cadets, including 46 non-Serbs. Even with those cadets included, the Republika Srpska presently has only 182 minority officers on its police force, 110 of which are in Brcko, and thus remains short of the first benchmark set by the Framework Agreement, i.e., 530 minority officers by 30 June 1999. A second intake of cadets is scheduled to take place in October. My Special Representative has written to Republika Srpska Prime Minister Dodik seeking his active assistance for a more vigorous implementation of the Framework Agreement.

10. In the Federation, the very ambitious minority recruitment deadlines of the Bonn-Petersberg Agreement have long expired and the targets were not met. UNMIBH is trying to improve minority recruitment through local initiatives, and in canton 10 (Livno) the first benchmark of the minority police recruitment plan, which was signed in June, has been met with the hiring of 15 Serbs and 2 Bosniacs to be deployed in Drvar, Grahovo and Kupres. Still, inauguration of the police forces in canton 10 as well as in canton 8 (Ljubuski) has not been possible because key requirements of police restructuring and reform have not been met, including the training of minority cadets in the Federation police academy and the adoption of neutral insignia. In addition, the cantons of the Federation and the Federation Ministry of Interior have yet to work out durable arrangements on cost sharing and employment contracts for minority police officers.

Integration of police forces

11. In the Federation, steps were taken to promote the establishment of cohesive police forces, particularly in cantons with substantial mixed populations, primarily canton 6 (Central Bosnia) and canton 7 (Mostar), where the Bosniac and Croat elements in the police tend to work parallel to each other rather than jointly. Canton 4 (Zenica-Doboj) has finally begun to formally operate joint police forces in 11 of its 12 police administrations. The integration in the twelfth police administration, Maglaj, is stalled pending the resolution of the long-standing boundary dispute in the Zepce-Zavidovici-Maglaj triangle. Canton 7 (Mostar) has taken concrete steps to unify at least its Ministry of Interior by moving its Croat staff into the official ministry offices. However, it is expected that the Bosniac/Croat police forces, where they exist, will require considerable monitoring and mentoring before they begin to function as truly singular forces. It also has to be kept in mind that the percentage of Serb officers in the Federation police forces remains negligible. The same is true in the Republika Srpska, where there are practically no non-Serb police officers outside Brcko and the police academy.

Special police and the anti-terrorist unit

12. In June, UNMIBH became aware that the Republika Srpska Ministry of Interior had illegally incorporated 134 members of the former Police Anti-Terrorist Brigade into civilian police forces without the authorization of IPTF. IPTF ordered that those officers be assigned only to administrative positions until they met criteria for provisional certification by IPTF. The provisional deployment of 78 members to the regular police force was approved upon screening by IPTF. Those Brigade members found ineligible for integration into the regular police remain, like the whole brigade, under the monitoring of the multinational stabilization force (SFOR) and are to be demobilized.

13. The Anti-Terrorist Unit of the Federation Ministry of Interior is still undergoing IPTF special training and selection procedures. Despite a year of negotiations, no progress has been made in the unification of the Unit, which remains ethnically divided. The total size of the Unit is to be reduced from 242 members to 123. However, so far only 43 of the 156 members tested have passed the IPTF selection procedures. Efforts to downsize the unit are contingent upon the reorganization and reallocation of positions within the Federation Ministry of the Interior. At the cantonal level, so-called police support units fulfil some of the tasks that would normally fall to the anti-terrorist unit. IPTF is working with such units in eight cantons and is monitoring their establishment in the remaining two.

Border police

14. UNMIBH is collaborating closely with the Office of the High Representative to establish the Bosnia and Herzegovina State Border Service, which is critical for the development of State identity and essential to prevent the illegal flow of goods and services that sustains organized crime and results in a loss of State revenue. A Border Service Working Group, established by the joint Presidency of Bosnia and Herzegovina, has met to review the enabling legislation and actions required for inauguration. Plans have been developed to provide

specialized training to current entity border police and to integrate them into the new joint service so as to meet the 1 October deployment target date set by the Madrid Peace Implementation Council (see S/1999/492, annex). When established, the State Border Service will be a multi-ethnic force consisting of police officers from both entities, drawn primarily from currently serving police officers. This will contribute to the overall police downsizing efforts in both entities. Strong external and internal support will be required to ensure sustained implementation of this project.

Court police

15. To improve the security of judicial officials, court premises and documents, as well as the enforcement of judicial decisions, IPTF and the UNMIBH judicial system assessment programme have taken the initiative to institute a Federation-wide court police force of 351 officers. At present, 127 court police are on active duty in cantons 3 (Tuzla-Podrinje), 8 and 9 (Sarajevo). Operational and legal requirements for the recruitment of a further 157 officers for cantons 1 (Una-Sana), 4, 6 and 10 are being finalized, with deployment expected by the end of the year. Recruitment for the remaining cantons will follow next year and is expected to occur partly through transfers of currently serving police officers. UNMIBH intends to ensure that this police force will meet the crucial need to provide security for the court system, as confidence in the impartiality of the regular police forces is still open to question.

Police reform

16. Through monitoring, advising and training activities, IPTF is assisting local police forces to attain high international standards of professionalism. Monitoring is conducted through independent and joint patrolling. Intrusive methods such as inspections and audits of police stations and procedures allow IPTF to provide appropriate advice and training.

Monitoring

17. To monitor compliance with regard to the use and storage of weapons, IPTF continues to carry out weapons inspections in local police stations. Between 26 May and 25 August, IPTF conducted 189 weapons inspections (99 in the Republika Srpska and 90 in the Federation), 61 of which were carried out with SFOR support. Nine inspections in the Republika Srpska and five in the Federation resulted in the confiscation or surrender of weapons, ammunition or explosives, including 56 long-barrelled weapons, 2 rocket-propelled launchers, 11 grenade launchers, 25 mines, 118 hand grenades, 6 rifle grenades, 1.7 kilograms of explosives and 3,853 rounds of ammunition. IPTF patrols continue to monitor local police behaviour in towns and in the countryside to ensure freedom of movement and security in areas of return.

Advising

18. During the reporting period, the IPTF advisory programme has been pursued rigorously through co-location at all command and functional levels in both the Federation and the Republika Srpska police structures. IPTF has now identified 800 co-location positions to provide advice on management, operational and

specialized issues to the local police. At the canton (in the Federation) and public security centre (in the Republika Srpska) levels, civil affairs officers provide political support to the IPTF adviser on issues pertaining to the reform of local police. In September, civil affairs officers were also co-located at the political level in the Ministries of Interior in both entities.

Training

19. All local police officers are scheduled to complete the IPTF-administered human dignity and transitional training in the Federation by mid-September and in the Republika Srpska by the end of 1999. With the phasing out of the IPTF-administered basic training, the training for police cadets, including from ethnic minorities, will be increasingly taken over by the Federation and the Republika Srpska police academies. IPTF is monitoring the selection process for the incoming cadets, assisting in courses and field training and reviewing the training curricula and teaching methodologies. Efforts are under way to increase the capacity of both police academies. The next intake of minority cadets is scheduled to commence at the Republika Srpska police academy in October and at the Federation police academy in November. To support the legitimacy and development of the police academies in Bosnia and Herzegovina, IPTF will not recognize basic police training that takes place outside of the country as from 1 September.

20. Specialized training continues to be conducted by IPTF for police officers in the areas of traffic control, public order and major incident management, organized crime, drug control and dog handling. A new traffic training manual for the local police has been prepared, and training commenced on 13 September. Public order and major incident management training has been conducted in 8 of the 10 cantons in the Federation and in parts of the Republika Srpska. Training aimed at combating organized crime has focused on computer and database applications in both entities. Drug control training has been accelerated in the areas of basic drug awareness and intelligence systems. In connection with the border services project, courses have been developed on smuggling and narcotics issues. Advanced officer training is a new UNMIBH programme to provide training for senior level management in the police force. The curriculum for such training is being finalized, and the first course is scheduled to start in November.

Equipment support

21. UNMIBH is streamlining and concentrating all support for the local police in Bosnia and Herzegovina to avoid duplication and parallel efforts by donors. UNMIBH is now in the process of completing the standardization of equipment to ensure that the basic needs of the police are met and that equipment is of a uniform standard throughout Bosnia and Herzegovina. To maximize results, donors should direct their bilateral aid to the priorities identified by UNMIBH for equipment and training.

22. In July, UNMIBH circulated its funding appeal for the Police Assistance Trust Fund. The appeal includes projects relating to fundamental policing skills and equipment, the police academies in both entities and an Agreement Implementation Fund. A total of $9.7 million has been received (from Canada,

Germany, Italy, Japan, Luxembourg, the Netherlands, Norway, Spain, Switzerland, and the United Kingdom of Great Britain and Northern Ireland); however, $38 million is still required to raise to a basic minimum standard the functioning and efficiency of the local police forces. I am grateful to the donor countries and am pleased to report that the Government of Italy has formally conveyed its decision to contribute approximately DM 100,000 to the Trust Fund and that other donors have recommended to their respective capitals positive consideration of the appeal.

Human rights and police performance

23. UNMIBH continues to investigate a large number of allegations of human rights violations committed by law enforcement personnel. These violations are often a product of nationalist political agendas that infect policing at every level. Police forces in both entities still require greater transparency and public accountability. In the Federation, the achievement of professional policing will require a shift from parallel policing, in which Bosniac and Bosnian Croat police work in separate structures, to unified policing, in which they are effectively integrated into a multi-ethnic force. In the Republika Srpska, greater ethnic representation, decentralization, transparency and accountability are essential. In both entities, the UNMIBH human rights office has undertaken initiatives to improve institutional and systemic issues affecting police performance.

24. In canton 6, based on a full operational review of the Ministry of Interior and all municipal police administrations, UNMIBH has developed a "three-point plan" of concrete steps for the creation of a multi-ethnic, fully integrated professional police force, which is insulated from inappropriate external influences. In canton 7, despite delays, progress has been made in the implementation of the "100-day agenda for action" (see S/1999/670, para. 27). In Stolac, unification of the chain of command in the police administration is being completed and the legal/administrative department is being integrated. It is now led by a Bosniac. In Konjic, a two-week inspection in July identified shortcomings in the structure and functioning of the uniformed police and legal/administrative departments.

25. The UNMIBH human rights office is increasingly taking an issue-specific approach to improving police practices. Between 1 June and 19 August, an intensive micro-audit assessed whether arrest and police custody procedures in the Federation conformed to the new Federation criminal code and criminal procedure and the European Convention on Human Rights. A similar audit was carried out in the Republika Srpska in August. UNMIBH is working with law enforcement officials in both entities to address deficiencies and bring them into conformity with international standards.

26. The intervention of IPTF and the UNMIBH human rights office has led to positive responses from law enforcement institutions in a range of human rights and police performance issues. In the Knezevic murder case (see S/1999/670, para. 32), IPTF disqualified six Republika Srpska police officers for misconduct. Following an investigation into allegations of ill-treatment, which revealed serious procedural and material deficiencies, a full review of the structure and performance of the Foca public security centre is being

undertaken. A full inspection of the Tunjice prison in Banja Luka identified deficiencies in management and administrative procedures, which are now being remedied. The re-investigation of the 10 February 1997 incident in Mostar has resulted in the initiation of a judicial investigation by the Basic Court against five persons who had previously enjoyed impunity.

27. To monitor compliance with democratic principles of policing, IPTF issues non-compliance reports to officers who are not performing their functions professionally. Such reports provide the basis for UNMIBH to disqualify local police officers from continuing to serve in the police force. Between 26 May and 25 August, 123 such non-compliance reports were served. Of these, 55 were for serious breaches of obligations and criminal acts, 53 were for serious violations and non-criminal acts and 15 were for minor offences. The IPTF Commissioner subsequently disqualified 11 police officers; the remainder are pending investigation.

Trafficking of women

28. UNMIBH and the Office of the United Nations High Commissioner for Human Rights continue to oversee and coordinate investigations into allegations regarding the trafficking of foreign women. On 11 July, 20 women were arrested in police raids on cafe bars in canton 6 (Busovaca, Vitez and Novi Travnik) and were subsequently convicted of violating laws of the defunct "Herceg-Bosna", which UNMIBH considers to be invalid. The Special Representative has written to cantonal and Federation officials demanding that any deportation proceedings be suspended until further notice. In the Republika Srpska, a cafe bar owner in Brcko was convicted and sentenced to three years' imprisonment for procuring persons for prostitution. As a result of the Mission's intervention, the International Organization for Migration is raising funds and will organize transportation to help those women to return to their home countries.

Judicial reform

29. Through its judicial system assessment programme, UNMIBH assists in the development of an independent and effective judiciary throughout Bosnia and Herzegovina. It has established regular meetings with the Ministers of Justice in both entities to ensure that political, technical and institutional impediments to the proper functioning of the judiciary are being positively addressed.

30. Assessments by the UNMIBH judicial system assessment programme have made local judicial officials sensitive to political factors affecting judicial performance. Attention to the interpretation of the immunity provision of the canton's constitution has resulted in corruption cases being brought closer to resolution in canton 1. To address numerous instances of intimidation and threats made against members of the canton 6 judiciary, especially when they are hearing sensitive cases, UNMIBH has pressed the local police to provide greater security. The identification of bottlenecks in the enforcement of court decisions has sparked a review of enforcement procedures in the Federation. As a result, cantons 2 and 3 have initiated positive legislative reform processes. Scrutiny of the municipal public prosecutor's office in Livno, canton 10, has revealed numerous deficiencies. UNMIBH released a public report that made

several recommendations to improve the functioning of the prosecutor's office in canton 10. The report also includes recommendations on five particularly serious cases, including the murder of a Serb returnee couple and the riot in Drvar in April 1998. The implementation of the recommendations is closely monitored.

31. At the technical level, inadequacies have been identified in current legislation, substantive and procedural, with respect to the application of the European Convention on Human Rights. The Mission's judicial system assessment programme has also identified areas in which the Republika Srpska law on internal affairs, including certain amendments passed in 1999, appear to contravene Council of Europe recommendations and impede progress to restructure and reform the police in the Republika Srpska. UNMIBH has forwarded proposals to the Republika Srpska Prime Minister for consideration by the National Assembly. Remedial action is essential for the accession of Bosnia and Herzegovina to the Council of Europe.

32. The work of the UNMIBH judicial system assessment programme has produced immediate and direct results in the area of judicial administrative and institutional matters. Examination of entity and cantonal resource allocation has helped secure funds for the improvement of court facilities in both the Republika Srpska and the Federation. In canton 6, a revision of selection procedures initiated by the UNMIBH judicial system assessment programme has resulted in greater ethnic diversity and quality of judicial officials. UNMIBH has also addressed the poor status of the minor offence courts, which have a relatively high caseload and large revenue potential. This has led to improvements in court financing.

Brcko

33. The annex to the final arbitration award on Brcko was released in early August. It affirms the key role of UNMIBH in establishing unitary police and judicial structures in the district. IPTF and the UNMIBH Civil Affairs Unit have done considerable preparatory work in identifying organizational and operational requirements to establish a unified police force in Brcko. The UNMIBH judicial system assessment programme has complemented police efforts through the preparation of a strategy for a unified judiciary and an outline of new legislation, which will be necessary to fulfil the intent of the annex. The Mission's early preparations have made it possible for the three police forces presently in the territory of the Brcko district to start joint patrolling on 6 September.

War crimes and violations of humanitarian law

34. The International Tribunal for the Former Yugoslavia continues to carry out its mandate to prosecute persons responsible for serious violations of international humanitarian law. During the reporting period, three persons were detained. Two had undisclosed indictments while the third was openly indicted. I take this opportunity to commend the efforts of SFOR and the Government of Austria in supporting the work of the Tribunal in arresting persons who have been indicted for war crimes. Such arrests send a strong signal that the international community is committed to ensuring that the culture of impunity

and the cycle of revenge in the former Yugoslavia is being replaced by the rule of law and justice.

B. Creating an environment conducive to the return of refugees and displaced persons

35. In its contribution to creating an environment conducive to the return of refugees, UNMIBH is guided by a comprehensive concept of security. Addressing concerns such as violence against returnees, administrative and political discrimination, restricted freedom of movement and mine infestation is complemented by measures to meet humanitarian needs for food, shelter and other assistance. UNMIBH and the United Nations agencies are addressing such needs comprehensively.

36. A total of 578,667 refugees have returned to Bosnia and Herzegovina since the Dayton peace agreement. Of these, some 92,329 returned to areas where they are in the minority: in the Federation 81,823 people (21,555 Bosniacs, 39,155 Croats and 21,113 Serbs) and in the Republika Srpska 10,506 people (9,788 Bosniacs and 718 Croats). This year there have been some 7,769 registered minority returns (1,904 Bosniacs, 1,854 Croats and 4,011 Serbs). Since 15 June, 37,110 returnees were voluntarily repatriated to the Federal Republic of Yugoslavia and Kosovo (26,060 to the Federal Republic of Yugoslavia and 11,050 to Kosovo). However, some 74,690 refugees still remain in Bosnia and Herzegovina (10,650 from Kosovo, 24,040 from the Federal Republic of Yugoslavia and 40,000 from Croatia).

Security

37. The mandate of UNMIBH with respect to local police plays a pivotal role in increasing security for the return of refugees and displaced persons. Through frequent patrols in return areas and close monitoring of local police activity in those areas, IPTF contributes to a sense of security among returnees. It also provides security assessments prior to organized return movements and monitors the implementation of agreed security plans by the local police.

38. The UNMIBH Human Rights Office has recently focused on eviction cases to free up housing for returnees. To increase local police awareness of their role and responsibility in the eviction process and to strengthen the effectiveness of the Cantonal Housing Department, the Human Rights Office carried out a 28-day eviction action plan in Sarajevo canton between 7 June and 5 July. Under the plan, it monitored and trained local police on eviction issues. Of the 80 forcible evictions from socially owned apartments scheduled during this period, 66 were carried out successfully. Such success not only enables returns, but also increases the confidence of returnees that the police will continue to provide a safe and secure environment. Similar actions are being planned in the Republika Srpska and elsewhere in the Federation.

39. In Stolac, the intervention of the Human Rights Office has significantly improved crime prevention and detection. During the past eight months no serious return-related violence has occurred. Last year, between March and

November, more than 70 violent incidents aimed at returning Bosniacs were ignored by the local police authorities.

40. UNMIBH is also engaged in addressing blatant discrimination against minorities exercised by police through their use of regulatory powers, resulting in the impediment of various rights, including the right to return and freedom of movement. Local police under the control of political groups with nationalist agendas often fail to follow proper procedures for issuing identification cards as a means of intimidating ethnic minorities and preventing their return to their pre-war homes. On 30 July, the High Representative issued a decision to facilitate the issuance of identification cards to returnees throughout Bosnia and Herzegovina. IPTF subsequently instituted a system to examine the implementation of the decision in canton 10, including Drvar, where Bosnian Serb returns have been seriously impeded by obstructionist authorities. IPTF will soon widen its monitoring of compliance with the High Representative's decision throughout the country.

41. To promote greater freedom of movement, UNMIBH has undertaken a country-wide effort to examine outstanding arrest warrants issued since 1992 that may no longer be valid. Procedures have been developed for the implementation of mechanisms to remove obstacles to the elimination of such warrants. Other actions to improve freedom of movement include dismantling illegal police checkpoints and monitoring the issuance by local authorities of common licence plates.

42. Mine clearing is essential for the secure return of refugees and displaced persons to all parts of Bosnia and Herzegovina. The Office of the United Nations High Commissioner for Refugees (UNHCR) has recruited six demining teams through the Mine Action Centre and local civil defence organizations. These teams survey and mark minefields and undertake demining in priority return areas. The Mine Action Board of Donors for Bosnia and Herzegovina recently concluded a comprehensive review of the entire framework for mine action in the country and made recommendations to strengthen mine action structures and reduce costs.

43. I welcome the significant contribution of the Government of the Netherlands to the United Nations Development Programme (UNDP) mine-action trust fund. Further financial support, however, will be required to provide much-needed capacity-building and technical assistance to the local Demining Commission and mine-action centres, as recommended by the review team. The Slovenian International Trust Fund, which supports mine clearing, will benefit from the offer by the United States of America to double its contributions by November.

Humanitarian aid

44. The World Food Programme (WFP) has distributed 980 metric tons of food and commodities to 38,700 refugees who have arrived from the Federal Republic of Yugoslavia as a result of the Kosovo crisis. Since March 1998, WFP has aligned its beneficiary criteria with government social welfare programmes in order to facilitate the transition of responsibility from WFP to national authorities and the termination of WFP assistance. WFP continues to maintain a liaison office

for contingency planning with UNHCR for emergency operations in the region, but phased out its assistance in Bosnia and Herzegovina at the end of June.

45. The United Nations Children's Fund (UNICEF) has assisted more than 3,000 refugee children from the Federal Republic of Yugoslavia with medicine, hygiene items, clothes, textbooks and educational supplies. UNICEF has organized educational and psychosocial support in five collective centres for about 1,000 children of all age groups and has provided education on nutrition, hygiene and pregnancy through schools for pregnant women. Refugee children in 10 locations in the Republika Srpska have been assisted through psychosocial and children's rights workshops, organized by UNICEF in cooperation with local non-governmental organizations.

46. UNHCR continues its efforts to identify, rehabilitate or construct winterized accommodations for up to 6,000 refugees. However, in order to concentrate its efforts on protection-related activities and durable solutions, UNHCR is handing over some longer-term tasks to organizations with development expertise or to the local authorities, including shelter rehabilitation and demining as well as microcredit and income-generation programmes.

47. UNDP is currently rehabilitating houses for 500 displaced and refugee families to enable them to return to their pre-war homes and free up housing for refugees returning from abroad. A total of 241 houses in central Bosnia were completed in August. In addition, UNDP achieved an important breakthrough allowing it to begin housing reconstruction in the municipality of Kotor Varos (Republika Srpska). UNDP programmes aim to address all important preconditions for return and sustainable human development. These include housing, job creation and income generation, enhanced social welfare and strengthening local governance. Strong support from donors is required to expand the territorial coverage and number of beneficiaries of those programmes.

C. Building good governance and civil society

48. The development of democracy and civic culture is crucial for the long-term stability and prosperity of Bosnia and Herzegovina. UNMIBH and the agencies of the United Nations system are comprehensively engaged in promoting accountable local government and institutions, civic consciousness and reconciliation and a free and open media.

Local government

49. To strengthen local administration in six municipalities in north-western Bosnia and Herzegovina, which used to have natural economic and social ties before the war and are currently in difficult circumstances because of the presence of a large number of displaced persons and refugees, UNDP has installed municipal governance computer software packages and trained officials on their application. UNDP has also assisted these municipalities in preparing reconstruction and development plans. To promote accountability of municipal officials, UNMIBH has established regular meetings between the police and the prosecutor's office to ensure progress on corruption cases involving local government officials.

Civil society

50. The UNDP Civil Society Development Programme to strengthen local civic organizations has assisted in organizing events on cultural renewal, media, protection of the environment, sports and education. Assistance has also been provided for vulnerable groups and civic action initiatives. UNDP continues to support the Advice and Information Centre, which provides services in respect of the rights of returnees in various locations. UNMIBH is facilitating the formation and strengthening of professional legal associations, which has resulted in the establishment of an association for judges of minor offence courts in the Federation.

51. Dialogue between the State and its citizens is an essential feature of democratic societies. The International Labour Organization (ILO) has organized a series of seminars in the Federation and the Republika Srpska to promote social dialogue between government representatives, employers and labour unions and to improve labour conditions. ILO has also taken a regional approach to promote social change by involving ministries of labour and associated institutions in Bosnia and Herzegovina in preparation for a regional conference on the subject for the Balkans.

52. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has focused on preparations for the International Year for a Culture of Peace by organizing programmes to promote peace and reconciliation among all ethnic groups. In Mostar, UNESCO and the World Bank have combined efforts to rebuild the symbolic "old bridge". To promote national reconciliation by fostering respect for the cultural heritage of all the people of Bosnia and Herzegovina, UNESCO has listed 166 monuments for protection and preservation. Other UNESCO projects include assistance for the national and university library, the archives of the federation, the Tabačica mosque in Mostar, the museum of the Franciscan monastery in Kraljeva Sutjeska and the restoration of the Magribija mosque minaret in Sarajevo. UNESCO has also helped establish a new law for the protection of cultural heritage.

Media

53. UNESCO is also promoting open national media by assisting Bosnia and Herzegovina authorities to draft a public broadcasting law. This will facilitate the creation of national news and current affairs programmes, an important factor for building national identity. Local professionals in Bosnia and Herzegovina have been provided with financial and technical training to produce quality television documentaries. The media efforts of UNESCO have already contributed to raising the standard of media programming in Bosnia and Herzegovina. The UNMIBH public affairs office is developing programmes that highlight the importance of media accountability and civic responsibility. Public information campaigns aimed at raising awareness regarding rule of law issues have now started in Banja Luka.

D. Promoting economic and social recovery

54. United Nations activities to promote economic and social recovery focus on the critical areas of employment, health, education and other public services. UNDP has prepared the first national human development report of Bosnia and Herzegovina. The report provides a statistical basis for planning and development of economic and social policy.

Employment

55. The UNDP Village Employment and Environment Protection Programme (VEEP) promotes economic recovery by providing temporary employment for the most vulnerable groups through the rehabilitation of deteriorated infrastructure and the environment. From June to August, VEEP implemented 11 small-scale public works projects in 11 municipalities, creating eight weeks of employment for 1,705 unemployed persons. Donor support is critical for the continuation of VEEP.

56. ILO has been engaged in efforts to reduce unemployment and assist in the transition from a pre-war planned economic system to a market economy. During the reporting period, ILO focused its efforts on assisting and strengthening small and microenterprises. Preliminary activities are under way in the Livno area to establish an enterprise development agency, which would become part of the existing national network of four agencies in Brcko, Banja Luka, Bihac and Mostar.

Health

57. The World Health Organization (WHO) has completed its two-year initiative to strengthen primary health care institutions and the training of professionals. Several community-based rehabilitation programmes are in progress, including the reconstruction of facilities selected by local authorities, the purchase of equipment and the training of personnel in four centres in the Republika Srpska. Programmes in mental health, women's health and home care for the elderly are ongoing. The strategic health system plan for the Federation was finalized in June. WHO has started an international hospital-twinning project enabling local health professionals to participate in exchanges with health institutions abroad. Other WHO programmes include training in good pharmacy practice, tuberculosis surveillance, quality control of national professionals, equipment and drug supply and non-communicable disease control.

58. UNICEF has contributed to changes in policy and practice in the children's health sector by supporting the creation of national essential drug lists in both entities. The national immunization day dedicated to polio eradication included 90,000 children in the Republika Srpska. Three psychosocial playrooms were opened in paediatric hospitals, and training was provided to the staff. Special classrooms for disabled children were also opened in six new locations in Bosnia and Herzegovina on the basis of an assessment done by Médecins du monde. Final training sessions were held for 40 educators from both entities on organizing psychological services. UNICEF is working with the University of

California in a trauma healing project in more than 30 schools throughout Bosnia and Herzegovina.

Education

59. To improve standards of education for the 1999-2000 school year, UNICEF organized a round table on teacher training to analyse achievements during the past school year. UNICEF has continued to organize training sessions on children's rights for educators in the Federation. In the Republika Srpska, a government working group is preparing a report on the status of children's rights. Other UNICEF efforts include the development of television and radio programmes for children, including refugees.

60. UNESCO continues to improve educational infrastructure by constructing, rehabilitating and equipping schools. UNESCO completed two schools in July in Breza and Zavidovici, for more than 2,000 pupils. The UNESCO network of associated schools currently includes 45 schools, which can now exchange training materials and Internet connections with hundreds of UNESCO-associated schools worldwide. The UNESCO Special Needs Programme includes a resource centre in the Simin Han school in Tuzla, training teachers from both entities. The UNESCO kindergartens project has established a development centre to provide teacher training and information. It also promotes parent involvement in child care, children's clubs and publications for educators.

Public services

61. The international community has responded positively to Security Council resolution 900 (1994) of 4 March 1994 by contributing over the years $20.7 million to the United Nations Trust Fund for the Restoration of Essential Public Services in Sarajevo. During the past three months, UNMIBH has implemented 30 quick-impact projects. The total number of projects implemented in Sarajevo is now 50 long-term and 373 quick-impact projects in the fields of public health, shelter, water, energy, public transport, communications, education and sanitation.

III. OBSERVATIONS

62. The work of UNMIBH to foster the rule of law and justice is a cornerstone of the efforts of the international community to establish lasting and self-sustaining peace and stability in Bosnia and Herzegovina and throughout the region. Ensuring security and equal opportunity for individuals is contingent upon respect for the rule of law, especially in multi-ethnic societies. By strengthening democratic legal and judicial institutions, UNMIBH also contributes to economic recovery and the return of displaced persons and refugees. Of equal importance, UNMIBH is helping to create the conditions necessary for the people of Bosnia and Herzegovina to fight organized crime, corruption and other negative social phenomena characteristic of many countries in transition.

63. As outlined in the present report, UNMIBH is making steady progress in its comprehensive efforts to achieve its complex and challenging goal of

establishing multi-ethnic, professional and democratic police forces throughout Bosnia and Herzegovina. Tangible positive steps have been taken, including the commencement of the Republika Srpska police academy in July and the efforts to integrate the police forces in cantons 6 and 7 in the Federation. The establishment of the national border service will be a landmark event in strengthening the statehood of Bosnia and Herzegovina and in stabilizing the economy. The working group established by the joint Presidency has commenced its work in earnest following strong representations by the High Representative and my Special Representative. The inauguration of the Border Service by 1 December 1999 is entirely feasible. The parties should ensure that this timing is met.

64. The issuance on 18 August of the annex to the final arbitration award on Brcko provides that IPTF will retain its authority over the district's new law enforcement system in accordance with annex 11 of the Dayton peace agreement. The arbitration award also provides UNMIBH with the important task of assisting in the establishment of the joint police force as well as a unified judicial and penal system in the district in close cooperation with the Brcko International Supervisor.

65. Despite the progress achieved, it must be noted that, in both entities, the leadership of each of the ethnic communities continues to demonstrate a serious lack of political will to improve the functioning of the police and judiciary in line with international standards. UNMIBH has faced constant difficulties in the recruitment of minority police officers. Inordinate delays have been experienced by UNMIBH due to the parties' failure to agree on and display neutral insignia. Gross political interference is evident in the failure of local police and judicial officers to discharge their duties impartially in ethnically related eviction and criminal cases. While some local judicial officials throughout Bosnia and Herzegovina are attempting to live up to their professional responsibilities, the severe lack of security for the judiciary undermines their independence.

66. The difficulties posed by political obstructionism are compounded by a lack of employment and economic development opportunities in many areas, in particular with respect to areas of potential minority returns. While signs of economic recovery and development are beginning to be seen, the lack of funds and jobs is a major constraint to more rapid returns. UNDP projects and other United Nations programmes that comprehensively address such return issues require and deserve strong donor support. Simultaneously, responsible governance through transparency and accountability in the collection, allocation and disbursement of State resources, which is still often weak or totally absent, must be addressed by the parties to promote greater economic self-reliance.

67. As indicated in the present report, humanitarian activities are phasing down in Bosnia and Herzegovina. WFP will maintain only a liaison office for emergency contingency planning. I congratulate WFP for its success in implementing a major food aid programme in Bosnia and Herzegovina, amounting to a total of $575.4 million since 1992. During the war, the WFP food aid scheme was critical for the survival of large parts of the population of Bosnia and Herzegovina.

68. In this report, the interdependence and critical relevance of the work of the United Nations family, specialized agencies and programmes in creating the preconditions for a safe and secure environment has been emphasized. Their programmes in promoting good governance and assisting in the economic recovery of Bosnia and Herzegovina sets the context for and complements the efforts of UNMIBH to assist in the establishment of the rule of law. My Special Representative will continue to coordinate United Nations activities so as to enable all agencies to contribute as effectively as possible to the peace process.

69. During this time of increased calls for international resources for Kosovo and other parts of the world, when donor fatigue for Bosnia and Herzegovina is very real, the continued unwillingness of substantial parts of the local leadership to create conditions conducive to returns and to the integral implementation of the Dayton peace agreement cannot be tolerated. The leadership of each community in Bosnia and Herzegovina should not forget that international economic and reconstruction support depends on compliance with their obligations and commitments. They need to reconfirm these commitments and pursue them more vigorously. The efforts of the various international organizations also need to be streamlined and made increasingly complementary. UNMIBH will continue to work with the High Representative to focus the efforts of each organization on their area of expertise and ensure that civilian implementation moves forward in a coherent manner. Donor aid should also be coordinated and directed to priority areas. In this regard, once again, donors are strongly urged to support the United Nations Police Assistance Trust Fund, which has already identified priority funding requirements.

70. The robust presence of SFOR is vital for the implementation of the Mission's mandate. As its efforts increase to create transparent and accountable law enforcement agencies as well as to root out organized crime and secure the borders of Bosnia and Herzegovina, UNMIBH will directly challenge those who continue to obstruct the implementation of the peace process. As long as there remain three separate armies in Bosnia and Herzegovina, a precipitous drawdown of SFOR forces could provide opportunities for those who wish to slow down the progress of civilian implementation at this critical stage when the local law enforcement institutions remain fragile.

71. A full and vigorous commitment now is necessary for our efforts thus far to bear successful long-term results. With the continued strong political and financial support of the Member States, I am hopeful that the United Nations, together with the other international organizations active in the region, will continue to progress in the implementation of the mandate given to it by the Security Council.

Annex

Composition of the International Police Task Force as at 10 September 1999

Argentina	23
Austria	36
Bangladesh	35
Bulgaria	35
Canada	22
Chile	11
Denmark	29
Egypt	33
Estonia	5
Fiji	5
Finland	12
France	104
Germany	158
Ghana	100
Greece	15
Hungary	36
Iceland	2
India	100
Indonesia	31
Ireland	35
Italy	23
Jordan	120
Kenya	0
Lithuania	2
Malaysia	47
Nepal	18
Netherlands	53
Nigeria	16
Norway	10
Pakistan	68
Poland	49
Portugal	25
Romania	18
Russian Federation	23
Senegal	17
Spain	55
Sweden	55
Switzerland	3
Thailand	5
Tunisia	2
Turkey	24
Ukraine	21
United Kingdom of Great Britain and Northern Ireland	73
United States of America	147
Total	1 691

The number of civilian police monitors varies owing to ongoing contingent rotations and the recent transfer of a number of officers to the United Nations Interim Administration Mission in Kosovo.

UNITED NATIONS **S**

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20 September 1999
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IDENTICAL LETTERS DATED 18 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft based in Saudi Arabia, Kuwait and Turkey continued between 8 and 14 September 1999 and that the aircraft in question engaged in acts of aggression, reconnaissance activities and acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the United States, the United Kingdom and the countries that provide the facilities for these acts of aggression, namely Saudi Arabia, Kuwait and Turkey, with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of Iraq.

These actions are continuing to bring death and injury to hundreds of civilians and to cause serious damage to private and public property. The logistic support that Saudi Arabia, Kuwait and Turkey provide to the United States and British forces makes them key partners in the aggression being committed against Iraq, so that they share international responsibility for the consequences of these actions. The Republic of Iraq affirms its right to seek lawful compensation for the damage being inflicted on its people by these same actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 8-14 September 1999

1. In the northern region 54 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Tall Afar, Irbil, Zakho, Baibo, Ayn Zalah, Tall Kayf, Sinjar, Rawanduz and Ba'shiqah.

2. In the southern region 412 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Basrah, Amarah, Artawi, Jalibah, Salman, Busayyah, Lasaf, Qurnah, Qal'at Salih, Qal'at Sukkar, Rifa'i, Ushbayjah, Shinafiyah, Qadisiyah, Ali al-Sharqi, Hayy, Hawr al-Hammar, Maymunah, Rumaythah, Taqtaqanah, Shu'aybah, Najaf, Shatrah, Ansab and Umm Qasr.

3. At 0930 hours on 8 September 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 48 missions from Saudi airspace and were supported from there by an AWACS command and control aircraft. They overflew the Salman, Busayyah, Rifa'i, Najaf, Diwaniyah, Mu'aniyah, Nasiriyah, Qal'at Salih, Qal'at Sukkar, Shinafiyah, Khidr, Amarah and Jalibah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1025 hours, drove them off.

4. At 1000 hours on 9 September 1999 United States and British F-14, F-15, F-16 and Tornado aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 20 missions, were supported by an AWACS command and control aircraft from inside Turkish airspace and overflew the Amadiyah, Zakho, Mosul, Dohuk, Irbil, Aqrah and Dukan areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1310 hours, drove them off.

5. At 0915 hours on 9 September 1999 United States and British F-15, F-16 and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 120 missions, 44 from Kuwaiti territory and 76 from Saudi territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace. They overflew the Salman, Ushbayjah, Shinafiyah, Nasiriyah, Artawi, Basrah and Mu'aniyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1042 hours, drove them off.

6. At 1030 hours on 10 September 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. They carried out 16 missions and overflew the Rawanduz, Dohuk, Mosul, Tall Afar, Zakho, Amadiyah, Aqrah, Baibo and Irbil areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1335 hours, drove them off.

7. At 0930 hours on 10 September 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 28 missions, 16 from Kuwaiti territory and 12 from Saudi territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Artawi, Jalibah, Rifa'i, Samawah, Khidr, Diwaniyah and Ali al-Gharbi areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1050 hours, drove them off.

8. At 0850 hours on 12 September 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 34 missions, 12 from Kuwaiti territory and 22 from Saudi territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Ushbayjah, Hayy, Artawi, Jalibah, Qal'at Sukkar, Rifa'i, Rumaythah, Samawah, Khidr, Maymunah and Diwaniyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1340 hours, drove them off.

9. At 1100 hours on 13 September 1999 United States and British aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. They were F-14, F-15, F-16, Tornado and EA-6B aircraft. They carried out 18 missions and overflew the Dohuk, Aqrah, Tall Afar, Baibo, Amadiyah, Zakho, Rawanduz and Mosul areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1410 hours, drove them off.

10. At 0920 hours on 13 September 1999 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 108 missions, 18 from Kuwaiti territory and 90 from Saudi territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Ushbayjah, Lasaf, Busayyah, Artawi, Shatrah, Rifa'i, Qal'at Sukkar, Samawah, Qal'at Salih, Qurnah, Basrah, Shinafiyah, Nasiriyah, Suq al-Shuyukh, Amarah, Jalibah and Hawr al-Hammar areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1150 hours, drove them off.

11. At 0820 hours on 14 September 1999 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 74 missions, 6 from Kuwaiti territory and 68 from Saudi territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Ushbayjah, Lasaf, Chabaish, Artawi, Shatrah, Rifa'i, Qal'at Sukkar, Samawah, Qal'at Salih, Khidr, Shinafiyah, Nasiriyah, Suq al-Shuyukh, Amarah, Jalibah and Hashimiyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1030 hours, drove them off.

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20 September 1999

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LETTER DATED 19 SEPTEMBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have been instructed by my Government to lodge a protest over the press conference given by Hashim Thaci at United Nations Headquarters on 17 September 1999, sponsored by the Permanent Mission of the Republic of Albania to the United Nations, the country which has rendered persistent support to Albanian secessionism in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, and recognized the independence of the so-called Republic of Kosovo in October 1991.

Hashim Thaci is the leader of the so-called Kosovo Liberation Army (KLA), the terrorist-separatist organization behind a ruthless campaign of terror which culminated in 1998, whose victims were police officers and hundreds of innocent civilians, Serbian and Albanian alike. The KLA was publicly branded a terrorist organization also by a high-ranking official of the State Department.

The terrorist activities of Hashim Thaci date as far back as the beginning of the 1990s. He was a member of the Albanian extremist organization "Popular Movement of Kosovo", the goal of which was the secession of Kosovo and Metohija and the creation of Greater Albania. Since 1991, he has been active in recruiting and training terrorists, and arming and infiltrating them into Yugoslavia, as well as in raising money for KLA activities, the origin of which is traceable also to illicit trade in narcotic drugs. He fled Yugoslavia in 1993 after taking part in a terrorist ambush of a Yugoslav police patrol at a railway crossing near Glogovac, in which four police officers were killed and three seriously wounded. On 11 July 1997, he was sentenced to 10 years in prison in absentia by the District Court of Pristina for the criminal act of terrorism, and a warrant has been issued for his arrest.

The deployment of the United Nations security and civil presences in Kosovo and Metohija has not, regrettably, put an end to the terrorist activities of the KLA. Following the withdrawal of the forces of the Army and Ministry of the Interior of Yugoslavia under Security Council resolution 1244 (1999) and the Kumanovo Military-Technical Agreement, led by Hashim Thaci and abusing the security vacuum, the KLA engaged in systematic terror against Serbian and non-Albanian populations in Kosovo and Metohija with the aim of driving them out

of this Serbian province. Although in his public statements Hashim Thaci calls for the creation of a multi-ethnic society in Kosovo and Metohija and for peaceful coexistence among its ethnic communities, under his leadership the KLA has intensified a relentless campaign of ethnic cleansing of Serbs and other non-Albanians. Over 300 Serbs and Roma have been brutally murdered, more than 450 kidnapped and over 1,000 wounded, raped or otherwise maltreated, while according to UNHCR data, over 200,000 have fled the province. The "democratic credentials" of Hashim Thaci are best evinced by the testimonies of some Western diplomats, as well as some former KLA own members, to the effect that "the senior commanders of the Kosovo Liberation Army ... carried out assassinations, arrests and purges within their ranks ..." and that "the campaign ... was directed by Hashim Thaci ...", as quoted in The New York Times of 25 June 1999.

Bearing in mind the aforementioned, providing hospitality to the leader of a separatist-terrorist organization and a convicted terrorist himself is an unprecedented case of the degradation of the reputation of the world Organization as a symbol of peace, human rights and justice, and undermines the process of return of peace and security to this troubled province of the Yugoslav constituent Republic of Serbia.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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20 September 1999
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LETTER DATED 20 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF TOGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the Declaration signed in Abuja, Nigeria, on 16 September 1999 at the conclusion of the meeting of the Ad Hoc Committee of Heads of State and Government of the Economic Community of West African States (ECOWAS) on the situation prevailing at the border zone between Guinea and Liberia (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Roland Y. KPOTSRA

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Annex

Declaration of the Ad Hoc Committee of Heads of State and Government of the Economic Community of West African States (ECOWAS), signed at Abuja, Nigeria, on 16 September 1999

1. We, the Heads of State and Government, meeting as an Ad Hoc Committee of the Economic Community of West African States (ECOWAS) at Abuja, on 16 September 1999, under the chairmanship of His Excellency, General Gnassingbe Eyadema, President of the Togolese Republic and current Chairman of the Economic Community of West African States, considered important issues relating to regional peace and security, particularly the situation prevailing at the border zone between Guinea and Liberia.

2. We, Heads of State and Government, after taking note of the report of President Olusegun Obasanjo of the Federal Republic of Nigeria, in which he referred to the outcome of the meeting of the Ad Hoc Committee of Ministers of Foreign Affairs on Liberia which was held in Lomé on 26 August 1999, and after listening to the statements of Their Excellencies, the Heads of State of Guinea and Liberia, exchanged views on relations between the two sister countries.

3. We strongly condemn the attacks on Liberia and Guinea, which threaten the peace and security of both countries and which could destabilize the region as well as mar the relations of good neighbourliness existing between the two ECOWAS Member States.

4. We demand that the armed groups desist forthwith from further criminal activities against Liberia and Guinea. In this regard, we recall the provisions of the ECOWAS Protocol on Mutual Assistance on Defence matters and agree that no ECOWAS Member State should give the armed groups any support.

5. We, Heads of State and Government, express our determination to work towards the immediate establishment of good neighbourliness which is needed for the consolidation of peace, security and trust between Guinea and Liberia. In this respect, we agree as follows:

- The three countries of the Mano River Union, namely Guinea, Liberia and Sierra Leone, shall exchange among themselves the list of persons suspected of involvement in subversive activities against their respective countries, with a view to their expulsion in accordance with the Mano River Union Treaty;

- The three member countries of the Union shall establish a Joint Security Committee to monitor and ensure the security of their common borders in line with the provisions of the Mano River Union security pact;

- Guinea, Liberia and Sierra Leone shall reactivate the Mano River Union with the participation of the ECOWAS secretariat as an observer. In this regard, the three Heads of State agreed to hold their summit in Freetown during the first week of November 1999;

- The Heads of State of Guinea and Liberia shall establish early a direct line of communication between them to facilitate regular consultation.

6. We note, with satisfaction, the solemn undertaking by Their Excellencies Lansana Conte and Charles Taylor to embrace good neighbourliness and non-aggression as these will enhance regional peace and security. This conforms with the relevant provisions of the ECOWAS Treaty and the Protocol on Non-Aggression signed in Lagos on 22 April 1978.

7. We express sincere appreciation for the role played by the Republics of Guinea and Liberia in hosting refugees and other displaced persons as a result of the conflicts within the region. We call on the refugees to comply with the laws of their host countries, and to refrain from any subversive activities. We also appeal to the international community to give the Republics of Guinea and Liberia all the necessary assistance to enable it to cope with the problems of the refugees.

8. We appeal to the international community to assist Liberia and Guinea to address the humanitarian crisis created as a result of the attack by the dissidents.

9. We express satisfaction at the adoption of the ECOWAS Mechanism for Conflict Prevention, Resolution, Peacekeeping and Regional Security during the twenty-first ordinary session of the Authority of Heads of State and Government, held in Abuja on 30 and 31 October 1998, and direct the Executive Secretary to continue the efforts aimed at ensuring its speedy implementation. In this regard, we express gratitude to the European Union for the financial assistance granted to ECOWAS for the implementation of this regional mechanism.

10. We, Heads of State and Government, express our deep gratitude to His Excellency Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria, to the Government and people of Nigeria, for the brotherly welcome extended to us and for the excellent facilities made available during our stay in Abuja. We wish His Excellency President Obasanjo a very successful tenure of office.

In faith whereof, we Heads of State of the Ad Hoc Committee have signed this Declaration.

Done at Abuja, this 16th day of September 1999.

(Signed) H.E. Blaise COMPAORÉ
President of FASO, President of
Burkina Faso Council of Ministers

(Signed) H.E. Lansana CONTÉ
President of the Republic of Guinea

(Signed) H.E. Charles G. TAYLOR
President of the Republic of Liberia

(Signed) H.E. Olusegun OBASANJO
President of the Federal Republic of Nigeria

(Signed) H.E. Alhaji (Dr.) Ahmad Tejan KABBAH
President of the Republic of Sierra Leone

(Signed) H.E. Gnassingbe EYADÉMA
President of the Togolese Republic

(Signed) Hon. Bandana N'GATTA
Minister of Defence, representing
H.E. Konan BEDIE, President of the
Republic of Côte d'Ivoire

(Signed) Hon. Mohammed Ibn CHAMBAS
Deputy Minister for Education, representing
H.E. Flt. Lt. Jerry John RAWLINGS,
President of the Republic of Ghana